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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: FACEBOOK, INC., MDL No. 2843
CONSUMER USER PROFILE Case No.
LITIGATION 18-md-02843-VC-JSC

This document relates to:
ALL ACTIONS

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ZOOM DEPOSITION OF FACEBOOK's 30(b)(6)
CORPORATE REPRESENTATIVE - DAVID MILLER
(Reported Remotely via Video & Web Videoconference)
Los Angeles, California (Deponent's location)
Friday, July 22, 2022
Volume 1

REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED

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DEPOSITION OF DAVID MILLER, taken on
behalf of the Plaintiffs, with the deponent located
in Los Angeles, California, commencing at
12:41 p.m., Friday, July 22, 2022, remotely
reported via Video & Web videoconference before
REBECCA L. ROMANO, a Certified Shorthand Reporter,
Certified Court Reporter, Registered Professional
Reporter.

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John Macdonell, Videographer

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1 Los Angeles, California; Friday, July 22, 2022

2 12:41 p.m.

3 ---o0o---

4

5 THE VIDEOGRAPHER: Okay. We're on the 12:41:09

6 record. It's 12:41 p.m. Pacific Time on

7 July 22nd, 2022.

8 This is the deposition of David Miller.

9 We're here in the matter of Facebook Consumer

10 Privacy User Profile Litigation. 12:41:23

11 I'm John Macdonell, the videographer,

12 with Veritext.

13 Before the reporter swears the witness,

14 would counsel please identify themselves, beginning

15 with the noticing attorney, please. 12:41:35

16 MR. GOULD: My name is Benjamin Gould

17 with Keller Rohrbach LLP, and I am representing the

18 plaintiffs in the proposed class.

19 MR. SCHWING: Austin Schwing -- I'm

20 sorry. My voice is shot. 12:41:53

21 (Discussion off the stenographic record.)

22 MR. SCHWING: Austin Schwing,

23 Gibson, Dunn & Crutcher. I represent the

24 defendant.

25 And with me are Ian Chen, Cassarah Chu, 12:42:06

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1 Felisha Miles, Shaquille Grant, Kelly Herbert, and 12:42:12

2 that's all.

3 SPECIAL MASTER GARRIE: And this is

4 Special Master Daniel Garrie. I'm here on behalf

5 of the Court. 12:42:26

6 THE COURT REPORTER: Mr. Miller, if you

7 could raise your right hand for me, please.

8 THE DEPONENT: (Complies.)

9 THE COURT REPORTER: You do solemnly

10 state, under penalty of perjury, that the testimony 12:22:22

11 you are about to give in this deposition shall be

12 the truth, the whole truth and nothing but the

13 truth?

14 THE DEPONENT: Yes, I do.

15 12:22:22

16

17

18

19

20 12:22:22

21

22

23

24

25 ///// 12:22:22

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1 DAVID MILLER, 12:22:22

2 having been administered an oath, was examined and

3 testified as follows:

4

5 EXAMINATION 12:42:45

6 BY MR. GOULD:

7 Q. Good afternoon, Mr. Miller. Thanks for

8 making yourself available.

9 Rather than showing you the notice of

10 deposition and the subtopic on which you've been 12:43:01

11 designated to testify, I -- I will just ask you,

12 you've been designated by Facebook to testify on

13 its behalf on a topic that is related to video

14 content on the Facebook Platform, correct?

15 A. Yes. 12:43:27

16 MR. SCHWING: I'm sorry. Just for the

17 record, just -- not across all video content and

18 all content -- I don't want to be difficult, Ben,

19 but like that -- that's just too --

20 MR. GOULD: No, no, I get it -- 12:43:41

21 MR. SCHWING: That's not what he's here

22 to talk about.

23 MR. GOULD: Sure. Right.

24 Q. (By Mr. Gould) And Mr. Miller, you --

25 you realize that your testimony here is on behalf 12:43:50

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1 of Facebook, correct? 12:43:55

2 A. That's correct.

3 Q. And by "Facebook," I should clarify,
4 like, I mean Meta and everything under that general
5 umbrella. 12:44:07

6 Okay if I use "Facebook" to refer to
7 that?

8 A. I'm -- I'm okay with that.

9 MR. GOULD: Okay. Fabulous.

10 I'm having a really hard time hearing 12:44:17
11 Mr. Miller. Is anyone -- is that true for anybody
12 else or am I the only one?

13 THE VIDEOGRAPHER: Yeah. If you want to
14 go off the record real quick, we can change it to
15 his cell phone audio. 12:44:26

16 MR. SCHWING: I've got a -- can we just
17 go in a breakout room and I'll chat with tech folks
18 and we -- I -- and there may be another computer we
19 can use, or something like that, and we just try to
20 figure this out real quick. 12:44:37

21 MR. GOULD: Sure. Of course. Of course.

22 THE VIDEOGRAPHER: Okay. We're off the
23 record. It's 12:44 p.m.

24 (Recess taken.)

25 THE VIDEOGRAPHER: Okay. We're back on 12:50:04

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1 the record. It's 12:50 p.m. 12:50:05

2 THE DEPONENT: You're on mute.

3 MR. GOULD: Thank you, Mr. Miller. I

4 appreciate it.

5 Q. (By Mr. Gould) So currently, Facebook 12:50:22

6 users are able to upload videos to the

7 Facebook Platform; is that correct?

8 A. That's correct.

9 Q. Okay. When did Facebook first enable its

10 users to upload video content to the platform? 12:50:43

11 A. In 2006.

12 Q. When did the Facebook Platform begin, if

13 you know?

14 A. With -- do you mean with respect to

15 video? 12:51:10

16 Q. No, I'm -- I'm sorry.

17 When did -- when did like the Facebook

18 social media platform like come into existence?

19 Was -- was it -- it was before 2006,

20 right? 12:51:24

21 A. Before video -- do you mean before video?

22 Q. Yeah. Before video.

23 A. Before 2006.

24 Q. Okay. Sorry. I'm just trying to get

25 some perspective on -- on what sort of time we're 12:51:39

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1 talking about. 12:51:41

2 So is it fair to say that quite early,
3 though, in Facebook's existence, it enabled its
4 users to upload video to the platform?

5 MR. SCHWING: Vague. 12:51:56

6 THE DEPONENT: What -- how are you
7 defining the beginning of Facebook's existence?

8 Q. (By Mr. Gould) Sure.

9 Do you know when Mark Zuckerberg created
10 Facebook? 12:52:14

11 A. Approximately.

12 Q. When?

13 A. Say around -- around 2005.

14 Q. Right.

15 And like if I remember correctly, 12:52:30
16 initially, for some period, it was only people with
17 an .EDU email address who were able to access the
18 platform.

19 Am I -- am I right about that?

20 MR. SCHWING: That's outside the scope 12:52:48
21 of the -- the deposition.

22 Q. (By Mr. Gould) If -- if you don't know,
23 you can say you don't know.

24 A. I'm -- sorry. Can you repeat the
25 question. 12:52:55

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1 Q. Sure. 12:52:56

2 If I remember correctly, there was some
3 period around 2005/2006, when only people with an
4 .EDU email address were able to create an account
5 on -- on Facebook? 12:53:17

6 MR. SCHWING: It's outside the scope of
7 the deposition.

8 THE DEPONENT: I -- I remember there was
9 a time where some affiliation with a school was
10 required, but that's all I know. 12:53:31

11 Q. (By Mr. Gould) Fair enough.

12 When was Facebook's initial public
13 offering?

14 MR. SCHWING: It's outside the scope of
15 the deposition. 12:53:41

16 THE DEPONENT: Oh, I don't -- I don't --
17 I don't remember the date of the IPO.

18 Q. (By Mr. Gould) Fair enough.

19 Do you know what changes had to be made
20 to the Facebook Platform initially in order for its 12:54:01
21 users to be able to upload video?

22 A. Some examples of what happened in 2006
23 would be the ability to, say, upload a movie file.
24 And -- and after a user would share a movie file,
25 if other users wanted to watch that movie file, 12:54:35

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1 some rendering capabilities, some movie play, some 12:54:40
2 video play, movie file play, some video play
3 capabilities would have to have been added to the
4 platform.

5 Q. And by "movie file," do you mean a file 12:54:55
6 that ends with .MOV?

7 A. That's what I meant. There are other
8 video files. For example, today there are .MP4
9 files. But that's what I meant by a .MOV file.

10 Q. And so initially, in 2006, is it the case 12:55:20
11 that only .MOV files were enabled to be uploaded,
12 do you know?

13 A. Here -- here's what I can say. You could
14 also in 2006 -- so let me -- let me clarify.

15 In 2006, a link to a video that was on 12:55:41
16 another website could be added. The files
17 themselves could be uploaded, so the video files
18 themselves. And the extensions, I don't remember.

19 But, you know, for all intents and
20 purposes, these are -- these are -- these are 12:56:01
21 things that render video. The files themselves
22 could be uploaded in 2007.

23 Q. Okay. So it was in -- okay.

24 So prior to 2007, users could link to
25 videos somewhere else on the Web, but not upload 12:56:26

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1 them to the Facebook Platform. 12:56:31

2 Am I understanding you correctly?

3 A. Yes.

4 Q. Okay. Could you describe, generally, the
5 changes that have been made to Facebook's platform 12:56:56
6 since 2007, in order to facilitate the uploading of
7 videos by users?

8 A. So to facilitate video upload, some
9 changes could be where you would have to go to
10 upload those -- those files. In some cases, you 12:57:30
11 would have to go to your profile -- I mean, early
12 on.

13 You -- if you were a page in 2007, you
14 would go to your page. You could upload it. There
15 were many -- there were various other -- I would -- 12:57:51
16 I would call it entry points that got created over
17 the years.

18 Q. What's --

19 A. And -- yeah.

20 Q. I'm sorry. Go ahead. 12:58:02

21 A. Yeah. So --

22 MR. SCHWING: Were -- were you finished,
23 Mr. Miller?

24 You should con- -- continue with your
25 answer, if you were -- if you're done, that's fine. 12:58:07

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1 THE DEPONENT: I'm done. 12:58:10

2 Q. (By Mr. Schwing) Okay. What were the
3 first entry points to be created after 2007?

4 A. So I -- I actually don't know the first
5 entry points that were created after 2007, but I 12:58:36
6 can describe entry points that exist today.

7 Q. Please -- please do. Thank you.

8 A. So the ways that you can upload video to
9 the platform were directly on the profile, directly
10 on the page. 12:58:58

11 Today, for example, if you went to
12 Facebook, you could -- you don't have to go to a
13 profile or a page to upload video. You could
14 upload it from, say, newsfeed directly. You could
15 record from newsfeed. 12:59:24

16 There -- other things that I'm aware of
17 today are some Facebook tools that give those who
18 want to produce, or those who want to upload video,
19 the ability to do that.

20 Today some of those are called, Meta -- 12:59:48
21 Meta Business Suite, Creator Studio.

22 Q. Anything else that you can think of?

23 A. The other thing that I can think of is
24 the -- the fact that you can live stream on -- on
25 Facebook, and you can do these things from, say, 01:00:19

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1 the app, the mobile app, or from the desktop. 01:00:24

2 So as an example, most of the things I
3 mentioned have a desktop version and an app
4 version.

5 Q. When did Facebook first make it possible 01:00:41
6 for users to upload videos using the newsfeed?

7 A. I -- I don't recall when.

8 Q. Can you give an approximate year or -- or
9 years?

10 A. No. I -- I would be speculating. 01:01:10

11 Q. Okay. Was it before 2015?

12 A. Again, I -- I mean, I -- I know it's live
13 today and -- and I don't know. I -- you know,
14 sitting here today, I -- I don't.

15 Q. Okay. And you mentioned that Facebook 01:01:39
16 enables users to record videos from their newsfeed,
17 correct?

18 A. Right.

19 Q. When was that functionality first
20 enabled, if you know? 01:01:54

21 A. No. Similar to the upload of the -- of
22 the file itself, I -- I can't say exactly when the
23 live -- or when the -- when the -- you know, on
24 platform record.

25 What I can say is that -- and I can -- I 01:02:15

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1 can talk about different parts of -- I -- I can 01:02:19
2 talk about, say, when you could go live on
3 Facebook. But regarding the feed, I -- I don't
4 recall exactly when.

5 Q. Fair enough. I'm just trying to be 01:02:31
6 exhaustive here.

7 Do you know when the newsfeed was first
8 introduced?

9 A. I recall newsfeed being introduced in
10 2006. 01:02:46

11 Q. Okay. You mentioned Facebook tools that
12 give people the ability to upload video to the
13 Facebook Platform, right?

14 A. Yeah, I mentioned.

15 Q. What, generally, is a Facebook tool? 01:03:08

16 MR. SCHWING: It's vague.

17 You can answer, if you know, if you can.

18 THE DEPONENT: The way I think of tools
19 would be an ability to perform a function or an
20 action on the Facebook Platform. 01:03:27

21 Q. (By Mr. Gould) And is it -- let's focus
22 on -- on the two specific tools you mentioned; the
23 Meta Business Suite -- Suite and the
24 Creator Studio.

25 What functionality does the Meta 01:03:54

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1 Business Suite enable, insofar as uploading videos 01:03:57
2 is concerned?

3 A. So an example would be accessing the --
4 the video file, uploading it to Facebook's
5 platform. That's, you know, a very standard upload 01:04:19
6 process.

7 Q. And the Meta Business Suite is designed
8 to make that process seamless for the business
9 that's using it?

10 A. For the user or entity that's using it, 01:04:38
11 the -- the goal is to make it easy to do that.

12 Q. You mentioned Creator Studio.
13 What does the Creator Studio enable users
14 to do?

15 A. Similar -- regarding video, similar 01:05:03
16 ability to upload.

17 Q. And, again, it's designed to make that
18 uploading process easy?

19 A. Yeah.

20 Q. Okay. Does the Meta Business Suite give 01:05:19
21 the user the ability to record videos as well?

22 A. So in -- in the preparation that I did,
23 around the -- the changes that -- that Facebook
24 made to allow users to share and interact with
25 video, I -- I focused most of my preparation on 01:05:47

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1 what -- what general users can do. And, you know, 01:05:50
2 as -- as opposed to the professional tools that
3 you're mentioning.

4 Q. Okay. Is Creator Studio one of the
5 professional stu- -- tools? 01:06:02

6 Okay.

7 A. Yeah, I -- I would think of it that way.

8 Q. Okay. I'm just going to ask just to
9 be -- just to see if you know.

10 Does Creator Studio enable the user to 01:06:15
11 record video content?

12 A. I -- I couldn't say for sure.

13 Q. Fair enough.

14 Forgive me if I already asked you this.

15 When were those two tools created, if you 01:06:42
16 know?

17 A. I don't remember when those two tools
18 were created.

19 Q. Were those two tools created before 2017,
20 do you think? 01:06:55

21 A. So in the preparation that I did to allow
22 for users to share and -- and -- and view and
23 interact with video on Facebook, I didn't focus my
24 preparation on the professional tools.

25 Q. Okay. Fair enough. 01:07:15

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25	A. Got it.	01:09:23
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1 MR. SCHWING: Vague -- vague as to time. 01:09:27

2 MR. GOULD: Sure.

3 MR. SCHWING: I'm trying to be actually

4 kind of helpful here, Ben. I don't know if you --

5 MR. GOULD: Yeah. No. No. You -- thank 01:09:35

6 you. Thank you.

7 MR. SCHWING: Now versus when -- some

8 other time.

9 MR. GOULD: Sure.

10 MR. SCHWING: But do you want to know 01:09:39

11 now?

12 Q. (By Mr. Gould) Currently, where are

13 the -- what are the surfaces where users can access

14 video content uploaded by another user?

15 A. Got it. 01:09:50

16 So I mentioned newsfeed. And there's a

17 tab which is just video only. That's another

18 surface.

19 Q. Can I stop you there?

20 A. Sure. 01:10:08

21 Q. Is that a tab on newsfeed?

22 A. It's a tab on the platform itself.

23 Q. Okay.

24 A. So I think of newsfeed as a tab, and I

25 think of a separate tab, yeah. 01:10:17

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1 Q. Okay. Sorry for interrupting you. 01:10:19

2 Please go on.

3 A. No, no worries.

4 Q. If you want me to repeat the question,

5 I'm happy to, by the way. 01:10:27

6 A. Oh, no, I -- I remember.

7 Q. Okay.

8 A. A user can search for a video. So I

9 would say -- I would say that that -- that's part

10 of the ways that a user can access video. 01:10:40

11 A user could go to someone's profile,

12 if -- if the -- if -- video. A user could go to a

13 page. Page can also share or post a video file.

14 A user could receive a video file from

15 someone else in a Messenger conversation. 01:11:13

16 Q. Any other surfaces you can think of?

17 A. I'm thinking.

18 Q. Oh, sure. Go ahead.

19 A. Another surface I can think of is

20 something we call stories. So when -- when the 01:11:34

21 user is in their newsfeed, sometimes there's a

22 horizontal scroll or tray of -- like I said,

23 these are -- these are posts that -- that will

24 expire. Some of them are video.

25 And a user could go to groups on 01:12:00

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1 Facebook. They -- you're part of a group. You can 01:12:09
2 upload a video to a group and say a group member
3 can also see video there.

4 And --

5 Q. Yeah. 01:12:28

6 A. -- and sit -- sitting here today, that --
7 that's all I recall.

8 Q. When did Facebook first enable users to
9 search for videos?

10 A. I -- I believe that video search came 01:12:42
11 about -- let me think -- sometime in 2016.

12 Q. Was there a search function that Facebook
13 had before 2016?

14 A. If -- if it wasn't involved -- I mean, as
15 far as what I prepared on the topic of video, my -- 01:13:17
16 in my education and -- and in my prep, I do recall
17 learning about the -- the ability to search for
18 video on 2016. I think it's fair to assume that
19 search existed. But I -- I couldn't say because it
20 would go before the research that I conducted. 01:13:44

21 Q. And you spoke of a video tab; is that --
22 am I remembering correctly?

23 A. Right. I mentioned a video tab.

24 Q. When was the video tab introduced to the
25 Facebook Platform? 01:13:58

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1 A. The video tab launched in 2016. 01:14:02

2 Q. 20- -- I'm sorry. Say that again. I
3 apologize.

4 A. 2016.

5 Q. Okay. When -- sorry. 01:14:14

6 Is it fair to say that users were first
7 able to upload videos to their profile in 2006?

8 A. I think that what we said was -- or what
9 you and I talked about was, in 2006, you could post
10 a link to a video. And in 2007, you could -- you 01:14:41
11 could -- you could share a video file.

12 Q. In 2007, could you upload a video to your
13 profile on Facebook?

14 A. I think that -- I mean, it depends on how
15 you define "profile." 01:15:10

16 So as an example, are you -- are you
17 saying that as an owner of a profile, you post
18 like, hey, here's a -- here's a great video I saw.

19 Q. Exactly.

20 When was that first enabled? 01:15:30

21 A. Well, yeah. So I would say that that is
22 the -- the 2007 launch I talked about. So -- so,
23 you know, feed existed. But it could be shown in
24 feed. You could see it in the profile. But really
25 it's -- it's the profile that's sharing the video 01:15:51

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1 at that time. 01:15:54

2 Q. Understood.

3 When did Facebook first enable users to

4 send and receive video files via

5 Facebook Messenger? 01:16:08

6 A. So Messenger video files or -- or links

7 to videos, I recall came out in 2008.

8 Q. You -- I don't want -- I'm not trying to

9 be difficult. I -- you talked about two different

10 things. You talked about video files and you 01:16:36

11 talked about links to videos.

12 Are you saying that in 2008, that was

13 when Messenger enabled users to send and receive

14 both video files and links to videos?

15 A. So I -- no, I don't -- I don't think that 01:16:55

16 you're being difficult.

17 I -- definitely links. And for files

18 themselves, if it didn't happen then, it would have

19 been around that time.

20 Q. Okay. When did Facebook introduce 01:17:09

21 stories?

22 A. Stories came out in 2017.

23 Q. And from the beginning, was it the case

24 that stories could include videos? Video content?

25 A. If stories didn't include video content 01:17:38

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1 at its launch, it would have been not too long 01:17:41

2 after that.

3 Q. When did Facebook first enable users to
4 create groups?

5 A. Groups with video or groups without 01:18:02
6 video?

7 Q. Just to give a picture of the timeline,
8 let's say just groups without video.

9 MR. SCHWING: It's outside the scope.

10 If you know, go ahead. 01:18:16

11 THE DEPONENT: So -- but I -- I think I
12 get what you're asking, Ben.

13 And so based on the preparation I did,
14 groups video started in 2010.

15 Q. (By Mr. Gould) Okay. Great. 01:18:33

16 So currently, Facebook enables users to
17 access video content on multiple different
18 surfaces, correct?

19 A. That's correct.

20 Q. Okay. Is it Facebook's intention to make 01:19:03
21 it easy for viewers to access video content on the
22 platform?

23 A. What -- what I'll say is -- or -- or the
24 way I think about it is Facebook makes it easy to
25 access almost any kind of content that a user wants 01:19:23

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1 to share on the platform. 01:19:27

2 And I think we -- we think of the -- the
3 content as video and/or photos and/or text and/or
4 links. And we want to make everything, including
5 video, easy to access. 01:19:47

6 Q. We talked about multiple different
7 surfaces to test video content, right?

8 A. Right.

9 Q. Okay. Currently, do all of those
10 surfaces provide the same ways for users to 01:20:23
11 interact or share that video content?

12 A. So if you mean -- or let's talk about
13 sharing. If you mean sharing and the existence of
14 a share button, very -- very similar -- sure --
15 across all -- across all the surfaces we talked 01:20:46
16 about.

17 And then what else were you asking?

18 Q. Interacting with.

19 So if I use the term "reaction," do you
20 know what I'm referring to? 01:21:01

21 MR. SCHWING: Vague.

22 THE DEPONENT: I do.

23 MR. SCHWING: And potentially calls for
24 speculation. I mean...

25 Q. (By Mr. Gould) And in the context of the 01:21:12

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1 Facebook Platform, you know, if I'm using the 01:21:13
2 term -- or excuse me.

3 In the context of the Facebook Platform,
4 what does the term "reaction" refer to?

5 A. So specifically in the preparation that I 01:21:24
6 did for how users can interact, a reaction would be
7 the ability to go to the video post that's been
8 shared and click a button where you could like or
9 have a few other reactions to that video post.

10 Q. When did Facebook first enable users to 01:22:02
11 like uploaded video content?

12 A. Users could first upload -- sorry.

13 Users could first like video content in
14 2009.

15 Q. Okay. You mentioned there are currently 01:22:31
16 reactions other than liking, correct?

17 A. Right.

18 Q. Do you have any sense of when those other
19 reactions were introduced to the Facebook Platform?

20 A. Other reactions besides like came out in 01:22:55
21 2016.

22 Q. And I don't think I've asked this
23 question, but you referred to a share button where
24 you -- I think -- where -- where users could click
25 it and share a video with some other user; is that 01:23:26

HIGHLY CONFIDENTIAL

1 correct? 01:23:29

2 A. Right.

3 Q. Okay. When was that share button
4 introduced for uploaded videos?

5 A. Share came out in 2012. 01:23:45

6 Q. What are the video formats that Facebook
7 currently allows users to upload?

8 A. So Facebook allows users to upload most
9 video formats, I think the most popular of which
10 would be .MP4 files. Movie files. 01:24:21

11 I -- it's the -- it's the common video
12 files that I think we all know of and think of when
13 it comes to movie files.

14 Q. Let -- let me then ask the question this
15 way. 01:24:51

16 Can you think of a commonly used format
17 for video content that Facebook does not enable
18 users to upload to the platform currently?

19 MR. SCHWING: That's vague.

20 THE DEPONENT: I -- it would be hard for 01:25:11
21 me to think of a commonly used video format that
22 Facebook doesn't allow for upload.

23 Q. (By Mr. Gould) Okay. Are you familiar
24 with -- sorry.

25 Was it the case that over the years 01:25:39

25	MR. SCHWING: Vague.	01:27:20
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[REDACTED]

10 MR. SCHWING: Vague. 01:30:02

[REDACTED]

22 MR. SCHWING: I'm sorry. Just for
23 clarity, you're asking if that's his previous
24 testimony or you're asking if he agrees --

25 (Simultaneously speaking.) 01:30:38

3 MR. SCHWING: Okay. Thank you.

Year	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
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Age Group	Percentage
18-24	15%
25-34	35%
35-44	25%
45-54	30%
55-64	28%
65+	32%

Category	Percentage
Category 1	75%
Category 2	60%
Category 3	25%

■	■	■	■
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■	■	■	■

11 MR. SCHWING: The question is vague.

[illegible]

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■ [REDACTED] ■ [REDACTED]

2 (Simultaneously speaking.)

3 MR. SCHWING: Let him finish.

■ [REDACTED] [REDACTED]

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HIGHLY CONFIDENTIAL

2 Q. Okay. What changes to its infrastructure
3 has Facebook made since 2007 to facilitate the
4 uploading and sharing of video content?

5 MR. SCHWING: The question is vague. 01:36:18

6 THE DEPONENT: I -- I understand -- I
7 think I understand what you're asking.

8 And the way I think about it is from the
9 time that Facebook allowed for video on the
10 platform, let's -- let's say maybe 2007. And I 01:36:36
11 think you're asking me from -- are you asking me
12 from 2007 through today infrastructure changes that
13 have -- and then I'll let -- is that what you're
14 asking me and --

15 Q. (By Mr. Gould) Right. Right. So let me 01:36:52
16 then rephrase.

17 A. Right.

18 Q. I'm asking about infrastructure changes
19 from 2007 to the present that have been made in
20 order to facilitate access to -- 01:37:05

21 A. Right.

22 Q. -- uploading or sharing of video content.

23 Is that a subject you're prepared to --
24 to talk about?

25 MR. SCHWING: I guess -- 01:37:25

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HIGHLY CONFIDENTIAL

1 THE DEPONENT: Without getting into too 01:37:27
2 much detail about the -- the changes themselves,
3 here's what I am prepared to talk about.

4 If you just look at the amount of
5 video -- or maybe in this case we'll call it 01:37:43
6 digital video, right, as opposed to video that we
7 were discussing -- like nondigital video that we
8 were discussing.

9 But if you think about the number of
10 users on Facebook, and if you think about whether 01:37:55
11 or not video was popular -- and, obviously, I think
12 it's fair to say that video has become a more
13 popular medium over time.

14 And if you were to compare users'
15 appetite for sharing video, you know, producing -- 01:38:14
16 making video and watching video, and if you were to
17 think about the growing popularity of video as a
18 medium and also think about the user increase, in
19 order to successfully allow users to upload video
20 and -- and -- and interact with video and watch 01:38:43
21 video on the platform, what I can tell you is
22 infrastructure improvements had to take place,
23 you know, at a high level.

24 And I'm not prepared to talk about the --
25 the technical -- I mean, if -- if I think about the 01:39:05

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1 topic that I'm prepared to talk about, the changes 01:39:11
2 that we made to allow for the ways that users
3 interact with video, of course, we want users to
4 have a successful experience.

5 So what does that mean. It means, it 01:39:25
6 doesn't -- the upload doesn't fail or the playback
7 doesn't fail.

■

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16 Q. (By Mr. Gould) Okay. So in order to not
17 waste your time, are you prepared to talk, at a
18 high level, about the kind -- general kinds of
19 infrastructure changes that have been made in order
20 to facilitate the access to uploading of and 01:40:18
21 sharing of video content?

22 MR. SCHWING: We haven't -- just to be
23 clear, we haven't designated Mr. Miller to talk
24 about like technical infrastructure.

25 MR. GOULD: Okay. 01:40:34

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4 MR. GOULD: Okay.

8 Mr. Miller is focused on -- on the
9 actions taken, decisions made that would allow
10 people to kind of interact, like on surfaces that 01:40:55
11 he's been discussing.

16 Q. (By Mr. Gould) If I were to ask you,
17 you know, Mr. Miller, since 2007, what are the
18 major investments that Facebook has made,
19 generally, in order to facilitate user access to
20 and sharing of and uploading of video content, is 01:41:26
21 that, at a high level, a question that you're
22 prepared to answer?

[illegible]

HIGHLY CONFIDENTIAL

1 to talk -- I think that that would be the 01:42:03
2 high-level answer to your original question.

3 But regarding the specifics under those
4 high-level areas, I didn't find that as relevant to
5 my topic and the research that I did. 01:42:20

6 Q. Okay. What improvements since 2007 --
7 major improvements since 2007 have been made in
8 order to facilitate access to sharing of and
9 uploading of video content?

10 A. I can give examples of the way that we 01:42:52
11 recommend or rank video as a -- as basically a -- a
12 bucket of improvements that we've made.

13 Q. What -- okay. Well, then -- let me then
14 be more specific and we'll talk about maybe kinds
15 of improvements. 01:43:17

16 A. Okay.

17 Q. That might focus our discussion.

18 One of those kinds that you mentioned
19 earlier was improvements in storage.

20 Since 2007, what are the major, at a high 01:43:26
21 level, improvements that Facebook has made in order
22 to facilitate access to sharing of, uploading of
23 video content?

24 A. Oh, you -- I'm confused. You mentioned
25 storage, and then you mentioned my topic. But help 01:43:49

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1 me understand the tie between the two. 01:43:52

2 Q. Oh, sorry. I -- I -- sorry. One second.

3 I just want to -- I -- I -- because I want to make
4 sure I understood what you are and are not prepared
5 to talk about. 01:44:13

6 I -- I thought you said you -- you can
7 answer questions regarding improvements in storage,
8 in coding and in playback.

9 Am I right about that?

10 A. I don't think that that's what I said. 01:44:30

11 Q. Oh, okay.

12 A. Do -- I could restate, or maybe we can
13 restate what I had said --

14 Q. Yeah.

15 A. -- or maybe clear it up -- 01:44:42

16 Q. I mean -- well, hm.

17 MR. SCHWING: May be useful to take a
18 break. We're at about an hour and maybe we could
19 give some clarify.

20 MR. GOULD: Okay. Let's take a short 01:44:56
21 break.

22 Could -- could we make it a five-minute
23 break and be sure to be back here at -- at 1:50?

24 MR. SCHWING: Sure.

25 MR. GOULD: Okay. Thank you. 01:45:07

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1 THE VIDEOGRAPHER: Okay. We're off the 01:45:08
2 record. It's 1:45 p.m.
3 (Recess taken.)
4 THE VIDEOGRAPHER: We're back on the
5 record. It's 2:03 p.m. 02:03:10
6 Q. (By Mr. Gould) Thanks, Mr. Miller.
7 I'm -- I'm going to ask a broad question
8 and, you know, you can answer it however you can
9 answer it, and then we can go from there.
10 What are the major actions taken by 02:03:32
11 Facebook, since 2007, in order to facilitate user
12 access to uploaded video content on the platform?
13 A. At a high level, Facebook increased the
14 number of services. So we talked about that,
15 the -- the ways on Facebook app users can access -- 02:04:02
16 or where on Facebook app users can access video.
17 And also improvements in how we ranked video for
18 users.
19 Q. We'll talk a little bit more about
20 improvements and how you ranked video. 02:04:24
21 Are you talking about improvements in how
22 video was ranked on a user's newsfeed?
23 A. Yes.
24 Q. Yeah.
25 Anything -- anything else that goes under 02:04:34

HIGHLY CONFIDENTIAL

1 the heading of improvements and ranking? 02:04:35

2 A. I -- sorry. Ranking on newsfeed or
3 ranking on the other services we talked about?

4 Q. That's -- yeah. I mean, that's precisely
5 what I'm wondering, is like, when you said, how we 02:04:51
6 rank video -- when you said that phrase, did you
7 mean something other than -- or something besides
8 how video is ranked on newsfeed?

9 A. That is -- so I'm prepared to talk about
10 how video is ranked on, say, newsfeed and also, 02:05:19
11 say, the video tab.

12 MR. GOULD: Fabulous. Okay.

13 MR. SCHWING: Can I -- can I interrupt
14 for just one second.

15 (Discussion off the stenographic record.) 02:05:40

16 Q. (By Mr. Gould) What were the
17 improvements in the video ranking for the newsfeed
18 designed to do?

19 A. Ranking improvements on newsfeed were
20 designed to give users a better experience. 02:06:32

21 Q. And when we're talking about improvements
22 in ranking, are we talking about like a series of
23 improvements or like one big upgrade?

24 A. More of a series of improvements.

25 Q. Okay. Are you prepared to talk about, 02:06:55

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[illegible]

02:12:36

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1 users able to give uploaded videos titles? 02:12:42

2 A. When you -- when a user would post a
3 video, you -- you can say almost anything in that
4 post.

5 So if you say, "Here's my video about 02:12:59
6 dogs," you could -- I mean, that, in a way, could
7 be the title. It's -- it's what you've said in
8 your post and the post comes with the dog video.

9 Q. So in other words, from the very
10 beginning of Facebook enabling the upload of 02:13:13
11 videos, Facebook enabled the uploader to associate
12 or attach text to the video?

13 A. Yes.

14 Q. And that hasn't changed, right?

15 A. Correct. 02:13:37

16 Q. Since 2007, what are the major actions
17 that Facebook has taken to facilitate -- sorry.

18 We just -- we just talked very generally
19 about actions that Facebook had taken since 200- --
20 major actions that Facebook had taken since 2007 to 02:14:19
21 facilitate user access to -- to videos -- to video
22 content.

23 I -- I now want to talk about like the
24 sharing of that content.

25 So what are the major actions that 02:14:33

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1 Facebook has taken, since 2007, to facilitate the 02:14:38
2 sharing of uploaded video content?

3 A. A very straightforward example of that
4 would be the -- the launch of sharing in 2012. So
5 there's a share button. That's what I was 02:15:06
6 referring to as sharing.

7 Q. From the beginning of -- sorry. Yes.
8 From the beginning of when Facebook
9 enabled users to upload video to the platform, it
10 also enabled comments on those videos, correct? 02:15:33

11 A. I think we said that comments came in
12 2010.

13 Q. Got it. Okay. Thank you.
14 And there have been comments on videos
15 then ever since 2010, right? 02:15:52

16 A. If a user commented, yes.

17 Q. When was the -- I'm sorry if I've already
18 asked you this.

19 But when was the like of an uploaded
20 video first introduced? 02:16:16

21 A. No worries.

22 Like came out in 2009.

23 Q. Okay. Are there -- currently, are there
24 any user interactions with uploaded video content
25 that like are specific to uploaded video content? 02:16:42

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1 And if I need to explain that question, 02:16:49
2 to make it clear, I'm happy to do so.

3 A. Yeah.

4 Q. Okay.

5 A. That will help. 02:16:56
6 Q. Sure.

7 Let's step back for a -- for a bit.

8 You'd agree, I guess, that like there are
9 many different kinds of posts a Facebook user can
10 make to the Facebook Platform, correct? 02:17:11

11 A. Correct.

12 Q. One kind of post would be a video --
13 excuse me -- a photo, right?

14 A. Right.

15 Q. Another would be just like text, right? 02:17:24
16 A. Yes.

17 Q. Would a status update also be a kind of
18 post?

19 A. You can think of it that way, though, I
20 should just let you know that that's not related to 02:17:44
21 video.

22 Q. Sure.

23 Another kind of post would be the user's
24 uploading of a video to the platform, right?

25 A. Agree. 02:18:01

HIGHLY CONFIDENTIAL

1 Q. Okay. So users can interact with posts 02:18:01
2 in multiple different ways, correct?

3 A. Correct.

4 Q. Okay. Were any of those ways unique to
5 video content? 02:18:22

6 A. I -- I understand what you were asking.
7 The answer is yes.

8 Q. And what are those ways?

9 A. Some examples would be mute. Unmute,
10 right. 02:18:43

11 Is that --
12 (Simultaneously speaking.)

13 Q. (By Mr. Gould) Sure.

14 A. -- what you're asking?

15 Q. Yeah, totally. 02:18:48
16 Anything else?

17 A. Full screen, right. Change the volume.
18 I think that those are good examples.

19 Q. I assume play and pause also?

20 A. Yes. 02:19:16

21 Q. Any other interactions that you can think
22 of --

23 A. Yeah.

24 Q. -- that are unique to video content?

25 A. Sitting here today, you can save a video. 02:19:31

HIGHLY CONFIDENTIAL

1 I -- I don't know if that's unique, though. So 02:19:35
2 maybe -- maybe I wouldn't say that that's unique.
3 You can -- I'm just trying to think here.
4 An example of a comment, say, on a live
5 video, would be -- could be time-stamped; is 02:20:02
6 that -- that -- that's an interaction that is
7 slightly different from --
8 Q. Sure.
9 A. -- say, a static post.
10 Let me think if I can think of other 02:20:20
11 ones.
12 Q. Sure. Take your time.
13 A. An inter- -- another interaction that
14 might be different for video than, say, the other
15 ones, would be the time you spend watching it. 02:20:31
16 Q. That is something that Facebook tracks,
17 in other words?
18 A. Yes.
19 Q. Okay. If I were to speak of Facebook's
20 user interface for uploaded videos, would you know 02:21:12
21 what I meant?
22 MR. SCHWING: Calls for speculation.
23 THE DEPONENT: May- -- I might.
24 Q. (By Mr. Gould) Okay.
25 A. I mean -- yeah. 02:21:23

1	Q. Okay.	02:21:24
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3 Q. Okay. Then let me ask it this way.

5 Q. Like, does Facebook have a user interface 02:21:29
6 that is specific to uploaded video content?

8	Q. Okay.
---	----------

10 be said to be unique to a video. And it has, like 02:21:47

```
12 interface is different for, say, photos and text,
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14 Q. And Facebook has a proprietary video

16 A. I -- what -- what do you mean by --

18 A. -- video player?

--	--	--	--

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466
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HIGHLY CONFIDENTIAL

6 Q. In 2007, when Facebook started to allow
7 users to upload video to the platform, other users
8 who wanted to access that video could play those
9 uploaded videos, right?

10 A. Yes.

02:23:37

11 Q. And the -- in 2007, the player used to
12 play those videos, was that a Facebook-designed
13 player?

14 A. I -- I actually don't know.

15 Q. Okay. Okay. Do you know whether -- or
16 excuse me.

02:23:52

17 Do you know what, if any, major changes
18 have been made to the Facebook video player over
19 the years?

20 A. Yeah, let me think for a moment.

02:24:23

21 I can't think of any big important
22 changes. I mean, just to list off what we talked
23 about, you've got a video. You can play it. You
24 can pause it. You can change the sound -- I'm
25 sorry -- you can adjust the volume. You can -- in

02:24:59

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1 some cases, you can change where you want to go in 02:25:08
2 the video.

3 Q. Right.

4 A. That -- I'm speaking to the normal video
5 play technologies that I think everybody is used 02:25:21
6 to. The difference or --

7 (Discussion off the stenographic record.)

8 THE DEPONENT: Okay.

9 Q. (By Mr. Gould) Sorry, Mr. Miller.

10 A. So -- okay. Give me a second. 02:26:01

11 Q. Sure.

12 A. The -- the movement or where you want to
13 go in the video, sometimes we call that a scrubber
14 and -- oh, fast-forward. Rewind.

15 These things -- or move ahead 02:26:24
16 by ten seconds, these are -- these normal video
17 interactions -- these, what I would call typically
18 video player interactions, I -- I wouldn't be able
19 to say what that evolution was on the player
20 between day zero and today. 02:26:45

21 Q. Fair to say that over the years
22 improvements have been made to the Facebook video
23 player?

24 A. Yes.

25 Q. And the goal of those improvements is, I 02:26:59

HIGHLY CONFIDENTIAL

1 assume, to improve the user experience of those 02:27:06

2 videos, right?

3 A. That is correct.

4 Q. To make video play seamless with the rest

5 of the Facebook Platform, right? 02:27:16

6 MR. SCHWING: Vague.

7 THE DEPONENT: Well, the way I'd phrase

8 it is to have an enjoyable video consumption

9 experience.

10 Q. (By Mr. Gould) You mentioned a scrubber, 02:27:35

11 correct?

12 A. Right.

13 Q. The -- a move ahead button, correct?

14 A. Right.

15 Q. I'll -- I'll -- I'll just list a few 02:27:49

16 others.

17 Move behind button. Fast-forward.

18 Rewind. You referenced those in -- in reference

19 to -- to uploaded video, correct?

20 A. Yes. 02:28:01

21 Q. All of those interactions that I just

22 listed are, I take it, unique to video content on

23 the Facebook Platform, as opposed to other kinds of

24 content, correct?

25 A. Let -- yeah. Let me -- let me think 02:28:15

HIGHLY CONFIDENTIAL

1 about that for one second. 02:28:17

2 Those -- couple -- couple things.

3 Q. Sure.

4 A. So when I -- when I said skip ahead

5 ten seconds, when I said go back ten seconds, 02:28:31

6 that's what I meant by forward and rewind.

7 Q. I get it.

8 A. Yeah.

9 But, you know, that list that you

10 mentioned, those interactions are unique to video 02:28:43

11 content.

12 Q. Okay. You mentioned that Facebook tracks

13 time spent watching videos, right?

14 A. That is correct.

15 MR. SCHWING: Sorry. It's outside the 02:29:16

16 scope of the deposition.

17 Q. (By Mr. Gould) When did it first begin

18 to do that?

19 MR. SCHWING: It's outside the scope of

20 the deposition. 02:29:23

21 There's another witness that's been

22 designated to testify on that subject.

23 If you know, you can answer.

24 THE DEPONENT: So I -- I would be

25 speculating as to when that started. 02:29:42

HIGHLY CONFIDENTIAL

1 As I sit here today -- or as I -- as I 02:29:48
2 understand the product today, I know we track it.
3 But it's -- that's not -- when we started tracking
4 metrics wasn't relevant, as far as I saw, to how we
5 allow users to -- 02:30:06

6 MR. GOULD: No, I get it.

7 THE DEPONENT: Yeah. Yeah.

8 MR. GOULD: So I just want to state this
9 for the -- for the record. And, again, I don't
10 mean to be combative and this is not a criticism of 02:30:15
11 the witness.

■

■

■

■

■

■

18 Q. (By Mr. Gould) The other thing I want to
19 ask about is the live stream videos on the
20 Facebook Platform. 02:31:01

21 When did Facebook first enable users
22 to -- and here I specifically mean users -- to live
23 stream video content on the Facebook platform?

24 A. Users could live stream live video
25 content in 2016. 02:31:31

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HIGHLY CONFIDENTIAL

1 Q. When were third-party apps first enabled 02:31:39
2 to live stream video content on the
3 Facebook Platform?

4 A. I -- I apologize. I'm not the right
5 person to talk about third-party apps. 02:31:56

6 Q. Okay. I'm going to go through a few of
7 the reactions we talked about in reference to
8 uploaded video. And I want to see whether they --
9 they are also -- they -- they are also made
10 available for live streamed video. 02:32:18

11 Mute, unmute, I assume, it is also an
12 interaction that's made available for live stream
13 video, correct?

14 A. Yes.

15 Q. Same with full screen? 02:32:30

16 A. Yes.

17 Q. Change volume, same?

18 A. Yes.

19 Q. Is time spent watching a live streamed
20 video also tracked by Facebook? 02:32:47

21 MR. SCHWING: It's outside of the scope.

22 Q. (By Mr. Gould) You can answer, if you
23 know.

24 A. I know it's tracked.

25 Q. Okay. To what extent does the scrubbing 02:32:57

HIGHLY CONFIDENTIAL

1 interaction apply to a live streamed video? 02:33:11

2 I mean, how -- to what extent can you use
3 that for a live stream video?

4 A. I'll -- I'll answer that in two ways.

5 One, is a live stream video, after it's 02:33:28
6 no longer live, it can be shown to a user.

7 It comes with a heading on it, like
8 Benjamin Gould was live. And I don't -- I mean,
9 technically, it's a prerecorded live and -- but you
10 could scrub. 02:33:56

11 The other example would be, Mr. Gould, if
12 you were streaming live and I were watching you
13 stream live, I can go back a -- a little bit. I
14 can't fast-forward while you're live. But I could
15 catch up to where -- where you were -- where you 02:34:18
16 were in real-time.

17 Q. Right.

18 A. Does that -- yeah.

19 Q. And same with move ten seconds ahead,
20 move ten seconds behind, if a live streamed video 02:34:29
21 has been saved to the platform, those interactions
22 can be used on that video, correct?

23 A. Correct.

24 Q. Okay. And is it -- is it the case that
25 when a video is being live streamed, a user, who is 02:34:48

HIGHLY CONFIDENTIAL

1 watching that video, has the option of selecting a 02:34:53
2 move ten seconds back interaction?

3 A. My -- from my best understanding, yes.

4 Q. Okay. Can a user, who is live
5 streaming -- or excuse me -- who is watching a live 02:35:13
6 stream video, select rewind?

7 A. Sorry. Let me clarify something I said
8 earlier.

9 Q. Sure.

10 A. Rewind would be, go ten seconds back. 02:35:26

11 Q. Oh. Oh, okay. I see. Got it.

12 A. There -- there's no rewind button, but
13 there is go back ten seconds.

14 Q. Okay. And here I'm talking about for any
15 video on the Facebook Platform, does Facebook 02:35:44
16 enable users to speed up or slow down the playback
17 of that video?

■ ■ [REDACTED]
■ [REDACTED]
■ ■ [REDACTED] [REDACTED]
■ ■ [REDACTED]
■ [REDACTED] [REDACTED]
■ [REDACTED]
■ [REDACTED]
■ [REDACTED] [REDACTED]
■ [REDACTED]

HIGHLY CONFIDENTIAL

[REDACTED]

14 Q. Okay. Are you familiar with a product

15 called Facebook Watch?

02:37:48

16 A. Yes.

17 Q. What is or was Facebook Watch?

18 A. Facebook Watch is the name that was

19 given -- or I would call it the brand name given to

20 the video tab.

02:38:09

21 Q. Does Facebook produce its own video

22 content?

23 A. Can you like -- can you -- or define

24 "produce"? Help me a little bit.

25 Q. Sure. Sure.

02:38:36

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HIGHLY CONFIDENTIAL

1 Well, let me ask you this, are there any 02:38:46
2 groups or divisions within the Facebook company
3 whose main responsibility is -- is the user
4 experience of video content?

5 MR. SCHWING: It's vague. 02:39:15

6 THE DEPONENT: Yeah. I -- I was going to
7 ask you a clarification.

8 So I could use a little bit more clarity
9 on the word "video content."

10 Q. (By Mr. Gould) Sure. 02:39:25

11 A. Use a little bit more clarity on the word
12 "user experience."

13 Q. Sure.

14 For purposes of this question --

15 A. Uh-huh. 02:39:34

16 Q. -- I'm talking about uploaded video and
17 live streamed video, whether or not that live
18 streamed video is live streaming, or was live
19 streaming, and then saved to the platform.

20 I'm including those things. 02:39:56

21 Is there another type of video content
22 that's available on the Facebook Platform that you
23 can think of?

24 A. Start back with the -- the ones you
25 mentioned. I'll -- let's -- I want to be -- 02:40:12

HIGHLY CONFIDENTIAL

1 Q. Yeah. Sure. 02:40:15

2 A. -- I want to be sure.

3 Q. Videos uploaded by user's pages --

4 A. Okay.

5 Q. -- groups, right. 02:40:21

6 A. Got that.

7 Q. Okay. Live streamed videos, that would

8 be another type of this group I'm talking about.

9 Another type would be -- if we want to

10 classify it as a separate category, I suppose, live 02:40:38

11 streamed videos that are then saved to the

12 Facebook Platform and are available on demand.

13 Is --

14 A. Those three?

15 Q. Yeah. 02:40:51

16 Is -- is there another type of video

17 content available on the Facebook Platform that

18 does not fall under one of the headings I just

19 mentioned?

20 A. Is there -- I -- I'm sorry. 02:41:10

21 Is there another type of video content?

22 Q. Yeah.

23 A. I could think of a video call on

24 Messenger as maybe not falling under those.

25 Q. Anything else? 02:41:26

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HIGHLY CONFIDENTIAL

1 A. And after those four, I can't think of 02:41:31
2 any other heading.

3 Q. Fair enough.

4 We earlier talked about Meta
5 Business Suite and Creator Studio, and I don't want 02:41:48
6 to talk about those.

7 What I want to talk about is any other
8 functionality aside from those tools that allows a
9 Facebook user, Facebook group, Facebook page to
10 record video. 02:42:07

11 A. You're saying outside of those tools?

12 Q. Yes.

13 A. An example is, you can go to Facebook
14 right now, you're in feed, and you can record a
15 video that shows in feed. 02:42:31

16 Q. Is there any other functionality that you
17 can think of that's used to record video on the
18 Facebook Platform?

19 A. You can go to the live player. I would
20 call that as recording video. So you can click the 02:42:58
21 go live button.

22 Q. And once a user has logged onto Facebook,
23 where does the user have to go to click or access
24 the go live button?

25 A. I don't have the interface in front of 02:43:32

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2 | or whatnot, you can -- you can go live from there.

4 A. I -- I don't know if you can go live from

6 MR. SCHWING: Can I beg your indulgence

```
7 | to have 20 seconds before you ask your next
```

8 question. I just need to do something --

9 MR. GOULD: Sure. Sure. Of course, you

10	can.	02:44:37
----	------	----------

11 MR. SCHWING: Okay. Thank you.

12 MR. GOULD: Yeah, no problem.

13 Q. (By Mr. Gould) Let's see here. Does

14	Facebook enable a user page or group that has
----	---

15	uploaded a video to track how many people have	02:45:32
----	--	----------

16 | watched that video?

17 MR. SCHWING: It's outside the scope.

18 THE DEPONENT: So if a user or a page

19 entity, whatever, has uploaded a video, just about

20 anybody can see how many views it's gotten. 02:46:10

21 Q. (By Mr. Gould) And I would assume that

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22 |     this number of views metric would have to be unique
```

23 to video content on Facebook, correct?

24 A. That's correct.

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HIGHLY CONFIDENTIAL

3 MR. SCHWING: It's outside of the scope
4 of the deposition.

10 MR. SCHWING: Outside the scope of the
11 deposition.

02:47:35

20 MR. SCHWING: Same objection.

02:48:01

HIGHLY CONFIDENTIAL

3 MR. SCHWING: That's outside the scope.

4 THE DEPONENT: I believe --

5 MR. SCHWING: I'm sorry. Hang on. 02:48:28

6 Mr. Miller, you're faster than I am.

7 THE DEPONENT: Sorry.

8 MR. SCHWING: Outside the scope of the
9 deposition.

10 Go ahead. 02:48:36

11 THE DEPONENT: Sorry. Mr. Gould, you'll
12 have to repeat that. I'm sorry.

13 Q. (By Mr. Gould) Sure. Yeah. No, no
14 problem.

15 You mentioned a show called 02:48:47
16 Red Table Talk, right?

17 A. Correct.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

HIGHLY CONFIDENTIAL

1 Is it a scripted show? 02:49:18

2 A. I --

3 MR. SCHWING: Outside of the scope --

4 outside of the scope of the deposition.

5 THE DEPONENT: I don't know what that 02:49:26

6 means. Sorry.

7 Q. (By Mr. Gould) Yeah. Sure.

8 Are there human beings in the show called

9 Red Table Talk?

10 MR. SCHWING: Same objection. 02:49:39

11 THE DEPONENT: I know there are humans in

12 the show, Red Table Talk.

13 Q. (By Mr. Gould) And when they speak, are

14 they speaking lines from a script or are they doing

15 something other than that? 02:49:59

16 MR. SCHWING: Same objection.

17 THE DEPONENT: I don't know the answer to

18 your question.

19 Q. (By Mr. Gould) Okay. Okay. Fair

20 enough. 02:50:08

21 To what extent can you speak today on --

22 on what has caused the amount of video content

23 available on the Facebook Platform to increase or

24 decrease over the years?

25 Is that a subject that you're prepared 02:50:56

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HIGHLY CONFIDENTIAL

MR. SCHWING: It's outside the scope of
the deposition.

THE DEPONENT: I -- I have two things to
say about -- 02:52:59

Q. (By Mr. Gould) Of course, please.

A. -- about the exhibit.

I reviewed all of the documents that were
sent to me. I don't remember seeing this as one of
them. 02:53:09

Q. Sure.

Okay. What was the second thing you
wanted to say?

A. I have no idea what this is. 02:53:20

Q. Oh, okay. Okay. Fair enough.

I don't want to waste your time.

A. That's correct.

Q. Okay. Okay. So then let me ask you a
more qualitative question and see if -- 02:54:07

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HIGHLY CONFIDENTIAL

1 A. Yeah. 02:54:10

2 Q. -- this is sort of within your area of --
3 of preparation.

4 Is it fair to say that since 2007, the
5 amount of video content available on the 02:54:21
6 Facebook Platform has greatly increased?

7 MR. SCHWING: Vague.

8 THE DEPONENT: When you say "amount" --

9 Q. (By Mr. Gould) Sure.

10 A. -- could I -- 02:54:40

11 Q. Sure.

12 If I were to say "volume of video
13 content," would that be easier to understand?

14 A. I --

15 MR. SCHWING: It's vague. 02:54:50

16 THE DEPONENT: Amount and -- did you mean
17 the number of videos on the platform or did you
18 mean how much video was being watched on the
19 platform?

20 Q. (By Mr. Gould) Let's talk first about 02:55:09
21 how much video is uploaded to the platform.

22 Is it fair to say that since 2007, the
23 amount of video uploaded to the platform has
24 greatly increased?

25 MR. SCHWING: Calls for -- it's outside 02:55:29

2 THE DEPONENT: What I would say is it has
3 increased. I -- I don't have the data, but it's
4 increased.

7 | A. So based on --

11 MR. GOULD: Sorry, Mr. Miller. I will
12 reask the question.

13 But I just want to say, for the record,
14 that -- that this was a topic that -- when
15 questioning Facebook's designee on subtopics 9a and 02:56:16
16 9b, I explicitly noted that I hoped Mr. Miller
17 would be able to cover.

19	A. Sure.
----	----------

20 Q. The question was -- so we were talking 02:56:34
21 about an increase in the amount of video content
22 uploaded to the platform, and I asked you, what, in
23 Facebook's view, has caused that increase?

[illegible]

HIGHLY CONFIDENTIAL

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

9 Q. Is it fair to say that since 2007, the
10 amount of user engagement with video content has 02:58:02
11 markedly increased?

12 Do you want me to define "engagement"?
13 I'm happy to.

14 A. Sure.

15 Q. Okay. By "engagement," I -- I mean 02:58:16
16 something like the degree of participation and
17 communication an individual has within an online
18 community.

19 Okay. So understanding that that is
20 the -- my working definition of "engagement," is it 02:58:40
21 correct to say that the amount of user engagement
22 with video content on the Facebook Platform has
23 markedly increased since 2007?

24 A. Yeah --

25 MR. SCHWING: Sorry. It's -- we're 02:59:02

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HIGHLY CONFIDENTIAL

1 getting a message from the Special Master I just 02:59:06
2 saw, "I need to restart my machines. Be right
3 back." So I guess we can --
4 MR. GOULD: Let's go off the record then.
5 THE VIDEOGRAPHER: Okay. We're off the 02:59:17
6 record. It's 2:59 p.m.
7 (Recess taken.)
8 THE VIDEOGRAPHER: We're back on the
9 record. It's 3:08 p.m.
10 Q. (By Mr. Gould) I just want to go through 03:08:20
11 a few other video-content-related functionality
12 that seems to be available on the
13 Facebook Platform.
14 Does Facebook make available to users a
15 video editor? 03:08:39
16 A. Some of those professional tools I
17 mentioned has video editing.
18 Q. Is there such a thing as a basic video
19 editor?
20 A. In newsfeed, when you make a video, you 03:09:02
21 can do basic editing.
22 Q. Can you tell me what functionalities are
23 available on that basic video -- video editing
24 thing?
25 A. So I'll -- I'll call it the basic video 03:09:19

HIGHLY CONFIDENTIAL

1 editing tool. 03:09:25

2 Q. Fabulous.

3 A. And examples would be -- oh, clipping,

4 you know, chopping off. You can add a sound like

5 an audio track. And you can add like a filter. 03:09:42

6 Change some of the ways it looks. And then you can

7 add some text.

8 Q. When was this basic editing tool first

9 made available to users?

10 A. I -- I don't know -- the basic editing 03:10:14

11 that I just mentioned?

12 Q. Uh-huh.

13 A. I don't know when it -- when it was first

14 made available.

15 Q. Okay. Fair to say that a tool named 03:10:23

16 basic video editing is unique to video content,

17 correct?

18 MR. SCHWING: Lacks foundation.

19 THE DEPONENT: If I understood your

20 question, though, the things that I mentioned, 03:10:52

21 like, for example, clipping, clipping wouldn't

22 apply to, say, a photo. So -- but photos, you can

23 still do some filters.

24 So given that ambiguity, did you want to

25 rephrase anything? 03:11:18

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HIGHLY CONFIDENTIAL

1 Q. (By Mr. Gould) Yeah. Of course. 03:11:19

2 The clipping -- the clipping
3 functionality in the basic editing tool is
4 inherently unique to video content, correct?

5 A. Correct. 03:11:42

6 Q. Okay. Oh, and you mentioned an audio
7 track tool, correct --

8 A. Correct.

9 Q. -- or audio track -- track functionality
10 that's part of this basic video editing tool, 03:12:01
11 correct?

12 A. Correct.

13 Q. Is that in any way unique to video
14 content?

15 A. So you can add audio to a -- like a 03:12:18
16 sequence of photos. So I -- I wouldn't say that
17 audio would be unique.

18 Q. But with that qualification, that you can
19 also use it -- you can also have it added to a
20 sequence of photos, then it's accurate to say that 03:12:45
21 adding an audio track is something you, as a
22 Facebook user, can do to video content and a
23 sequence of photos, but no other kind of content?

24 A. You know, I can definitely say that you
25 can add audio to video -- sorry -- an audio track 03:13:14

HIGHLY CONFIDENTIAL

1 to video. 03:13:19

2 Q. Okay.

3 A. But beyond video -- yeah.

4 Q. Can you add captions to a video that you

5 upload? 03:13:39

6 Let me know if you want me to define

7 that.

8 A. I --

9 MR. SCHWING: Outside -- outside the

10 scope of the deposition, which relates to access 03:13:47

11 interactions with video.

12 Go ahead, if you know.

13 Q. (By Mr. Gould) Do you want me to -- do

14 you want me to define what I mean by "captions"?

15 A. I -- I -- sure. 03:13:58

16 Q. Okay. What I mean by "captions" is text

17 that is designed to enable better access to video

18 content by persons with hearing disabilities.

19 Under that definition of "captions," can

20 you add -- can a Facebook user add captions to 03:14:30

21 uploaded video?

22 A. Yes.

23 Q. Does Facebook have auto-generated

24 captions for any of its uploaded -- for any video

25 content that is uploaded by Facebook users? 03:14:53

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2	Q. Sure.
---	----------

[illegible]

11 of 11

11	Q. Sure.
----	----------

12 A. So being prepared to talk about how video

```
13 | was shown to users and how users can interact with
```

14 it, most of my preparation is on the user

```
15      consumption side, right.  Users have -- users      03:16:08
```

16	consuming video.
----	------------------

HIGHLY CONFIDENTIAL

1 Q. Okay. Have you heard the term 03:16:46
2 "thumbnail" in relation to video content on the
3 Internet?

4 A. Yes.

5 Q. When it's used in relation to video 03:17:06
6 content on the Internet, what is a thumbnail?

7 MR. SCHWING: It's vague.

8 THE DEPONENT: My -- my definition?

9 Q. (By Mr. Gould) Yes. Sure. Your
10 definition. 03:17:20

11 A. To me, a thumbnail is a static image that
12 shows on top of whatever real estate on the screen
13 is -- is representing where the video would show.
14 So you haven't played the video, it's a static
15 image before you play it. 03:17:45

16 Is that your understanding?

17 Q. Right.

18 So let me -- let me see if I'm -- I'm
19 characterizing this correctly.

20 As -- as you understand the term 03:17:57
21 "thumbnail" then, it -- it means a static image
22 that, before video content is played, shows the
23 availability of that video content to a user; is
24 that about right?

25 A. I -- I don't know what you mean by 03:18:21

HIGHLY CONFIDENTIAL

1 "availability." But -- I'm -- I'm getting a gist, 03:18:23

2 but I -- I got hung up on the word "availability."

3 Q. Sure. Sure. Sure. Let me then -- let
4 me rephrase it.

5 As you understand it, does a thumbnail 03:18:35

6 refer to a static image displayed to a user, before
7 video content is played, that shows that certain
8 video content exists on a given platform, Web page,
9 whatever?

10 MR. SCHWING: It's vague. 03:19:11

11 THE DEPONENT: Mr. Gould, can I rephrase?

12 Q. (By Mr. Gould) Yeah. Sure. Please,
13 yeah. I'll bet you'll do a much better job than I
14 can.

15 A. I think there was two parts to that. 03:19:20

16 My understanding of a thumbnail is if
17 there is a video that is playable, before it plays,
18 and there's a play button, you -- sometimes you can
19 see a static image behind -- behind that play
20 button. 03:19:46

21 But I got hung up on the word
22 "availability." I -- to me, the presence of a play
23 button is what signifies the availability of a
24 video with or without a thumbnail.

25 Q. Got it. 03:20:01

HIGHLY CONFIDENTIAL

1 A. But -- 03:20:04

2 Q. Okay. So -- sorry. I -- then -- I'm
3 just trying to create a clean record here.

4 A thumbnail, under your understanding, is
5 a static image that sometimes appears behind a play 03:20:14
6 button or video content on the Internet?

7 A. Behind a play button -- repeat the
8 sentence. Behind a play button...

9 Q. Sure.
10 Under your understanding, a thumbnail is 03:20:35
11 a static image that sometimes appears behind a play
12 button on video content, on the Internet, before
13 the video content is played?

14 A. That's my understanding.

15 Q. Okay. A user page or group, or just 03:20:51
16 uploader of video content onto Facebook, can such
17 an uploader select the thumbnail they wish to use
18 for that video?

19 A. There are circumstances where they can.

20 Q. Okay. What are those circumstances? 03:21:20

21 A. I'm not aware of all the circumstances or
22 what's available in, say, the professional tools we
23 talked about, only because the focus was on how we
24 make video accessible to users, and I -- I didn't
25 prepare on the -- the production side. 03:21:48

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HIGHLY CONFIDENTIAL

1 Q. Sure. 03:21:53

2 So then, presumably, you're not prepared

3 to answer when the ability to select a thumbnail

4 first became available to a user who uploads video

5 content to the Facebook Platform? 03:22:11

6 You can't answer that. Okay.

7 A. I wouldn't know.

8 Q. Okay. Fair enough.

9 Correct me if I'm wrong, but I believe

10 you characterized Facebook Watch as synonymous with 03:22:25

11 the video's tab surface that you had spoken about

12 earlier in this deposition.

13 Am I right?

14 A. Almost.

15 Q. Okay. How would you characterize 03:22:48

16 Facebook Watch then?

17 A. So in 2017, Facebook announced the launch

18 of Facebook Watch, which was a video tab, and this

19 is a tab where users can go to consume just video

20 content. 03:23:16

21 Q. Okay. Did a video tab exist before

22 Facebook Watch?

23 A. Yes.

24 Q. Okay. And how long was that video tab

25 around before Facebook Watch? 03:23:33

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HIGHLY CONFIDENTIAL

1 How would you describe it to somebody who 03:25:02
2 wanted to know what it was?

3 A. I would describe it as the ability for
4 you to live stream whatever off of your camera and
5 share it with whomever you would choose on the 03:25:26
6 Facebook Platform.

7 Q. And then if you so choose, you can save
8 that live streamed video to the Facebook Platform?

9 A. Sorry. As -- as the producer of that
10 content or as the -- 03:25:48

11 Q. As the producer of that content.

12 A. Yes.

13 Q. Okay. Can consumers of that content also
14 save that video content?

15 A. So in general, a user can save a video, 03:26:03
16 and it would show up in their saved videos part of
17 the Facebook Platform, including -- including the
18 was live version of what you mentioned.

19 Q. Before the Facebook Live feature of --
20 was it possible to live stream video on the 03:26:29
21 Facebook Platform?

22 A. I -- I don't -- well, sorry. Repeat the
23 question.

24 Q. Sure. Yeah.

25 You said Facebook Live began in 2017, 03:26:47

HIGHLY CONFIDENTIAL

1 right? 03:26:50

2 A. 2016.

3 Q. Sorry. 2016.

4 Okay. Before the introduction of

5 Facebook Live, was it possible to live stream video 03:26:58

6 on the Facebook Platform?

7 A. Yes.

8 Q. Okay. And what were the ways in which it

9 was possible to live stream video on the

10 Facebook Platform before the introduction of 03:27:17

11 Facebook Live?

12 A. Some pages -- some pages could stream

13 live.

14 Q. Any other ways in which live stream to

15 video could be made accessible to Facebook users on 03:27:44

16 the Facebook Platform, before the introduction of

17 Facebook Live?

18 A. Not -- not -- not to my knowledge, before

19 what I just mentioned about some pages.

20 Q. Sure. 03:28:00

21 When did some pages first become enabled

22 to stream live video?

23 A. In 2015.

24 Q. And was it Facebook -- sorry.

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HIGHLY CONFIDENTIAL

1 right? 03:30:36

2 A. Correct.

3 Q. Okay. How long has that functionality

4 been around?

5 A. A user could save a video to, you know, 03:30:45

6 their saved whatevers in -- in 2014.

7 Q. Okay. Are you familiar with any features

8 made available to somebody who is live streaming on

9 the Facebook Platform?

10 A. What -- 03:31:40

11 Q. What do I mean by "features"?

12 A. Yeah. And -- and do you -- you know,

13 exclusively to the live streamer or app -- sorry.

14 Q. Yes. So -- so what features or

15 functionalities that pertain solely to the live 03:31:52

16 stream are made available to somebody who is live

17 streaming on the Facebook Platform?

18 A. So one example would be the live streamer

19 could create an event. "Hey, I'm going to go live

20 at this time." 03:32:29

21 Q. Can they add a donate button, say, if

22 they are doing a fundraiser?

23 A. I believe so.

24 Q. Can they add captions for the hearing

25 impaired? 03:32:48

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1 A. What time period? 03:32:52

2 Q. For any time period.

3 A. Sorry. Well, here's what I will say.

4 You can live stream, captions can show.

5 I don't remember when captioning was available for 03:33:05

6 live streaming.

7 Q. But it currently is available for live

8 streaming?

9 A. It's currently available for

10 live streaming. 03:33:19

11 Q. And what you're saying is you -- you

12 don't know when that was first introduced?

13 A. Correct.

14 Q. Okay. Is there a polls functionality

15 that's made available to people who are live 03:33:28

16 streaming video on Facebook?

17 A. So there's a --

18 Q. O-L -- sorry. P-O-L-L-S. Sorry.

19 A. No, I -- I caught the gist. And I know

20 what feature you're talking about. 03:33:49

21 You can launch a poll. I don't know if

22 it's still available, but -- it might be. But

23 there were times when it was, if not still.

24 Q. Is there a watch parties feature

25 available on Facebook? 03:34:24

HIGHLY CONFIDENTIAL

1 A. I don't think that feature is available 03:34:30

2 anymore.

3 Q. Was there a watch parties feature

4 available on Facebook at any time?

5 A. Yes. 03:34:41

6 Q. Do you know when it was available?

7 A. I don't remember when it was made

8 available.

9 Q. And you don't know -- but -- sorry.

10 You know it is no longer available? 03:34:58

11 A. I don't think it's any longer available.

12 Q. Okay. And you don't know when it was

13 made no longer available also, correct?

14 A. Let me think about it for a second.

15 Q. Sure. 03:35:09

16 A. It was no longer available -- what I can

17 say is some point after 2019, it was no longer

18 available. But specifically when, I'm not sure.

19 Q. Can people who are live streaming to the

20 Facebook Platform add video effects? 03:35:40

21 A. Can you give me an example of that. I

22 think I know what you're asking --

23 Q. Sure. Yeah, of course.

24 An example of a video effect of the sort

25 I'm talking about is like hearts in place of your 03:36:05

HIGHLY CONFIDENTIAL

1 eyes. 03:36:13

2 Have you ever seen that on the Internet,
3 videos where somebody's hearts are replaced by
4 special effect eyes?

5 MR. SCHWING: I think you may have that 03:36:27
6 backwards. Otherwise it would be a little creepy,
7 but...

8 MR. GOULD: Oh. Thank you, Austin.

9 Q. (By Mr. Gould) Have you ever seen a
10 video on the Internet where somebody's eyes are 03:36:36
11 replaced by special effect hearts?

12 A. I have.

13 Q. Okay. So that's --

14 A. Yeah.

15 Q. -- the kind of thing I'm talking about. 03:36:47

16 Do you understand the general category of
17 things I'm talking about here?

18 A. Yes.

19 Q. Does Facebook enable people who are live
20 streaming on the Facebook Platform to add effects 03:37:03
21 of that general sort?

22 A. I don't know if you can live stream with
23 a live version of these effects on Facebook.

24 Q. Okay. Does Facebook make available to
25 its users any tool or functionality by which 03:37:30

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HIGHLY CONFIDENTIAL

1 effects of the kind that we're talking about can be 03:37:36
2 added to prerecorded uploaded videos?

3 A. Yes.

4 Q. Okay. How long has that functionality or
5 tool been available to users? 03:37:50

6 A. I'm thinking about Facebook and I don't
7 know exactly. I know it's live today. And I don't
8 know exactly when it launched. But I know that it
9 must have been within like, say, the year or so --
10 in the past year or so. 03:38:15

11 Q. Can you -- say one user is live streaming
12 and wants to add in another user, who is also live
13 streaming.

14 Can those -- can one user add another
15 user to a live stream? 03:38:50

16 A. I think you're asking if -- are you
17 asking if they can be added midstream --

18 Q. Yes.

19 A. -- or they -- I -- I don't know if in the
20 middle of a stream you can add another streamer. 03:39:12

21 Q. Okay. Can you add another stream -- or
22 excuse me.

23 Can two separate streamers stream
24 together -- start streaming together?

25 MR. SCHWING: It's outside the scope. 03:39:35

HIGHLY CONFIDENTIAL

1 I've -- I've -- I've let these questions 03:39:37
2 go. But almost all of them have to do with
3 production of video, not access to video.
4 You can answer, if you know the answer.
5 THE DEPONENT: So I don't know if that 03:39:46
6 feature is available on Facebook or if that
7 production capability is available on Facebook.
8 Q. (By Mr. Gould) Okay. Can one user tag
9 another user on uploaded video?
10 A. I think a user can be tagged in a video 03:40:23
11 post. But no user can be, for example, tagged
12 inside the video.
13 Q. Does Facebook enable somebody who is
14 watching a live stream to share that live stream
15 with a Facebook friend? 03:40:54
16 A. I'm thinking about the product case you
17 just asked me. Users -- sorry. Make -- I want to
18 make sure I understand the question.
19 A -- a producer is live streaming. A --
20 Q. Yeah. 03:41:13
21 A user is watching that -- that live
22 stream and wants to share that live stream with a
23 friend.
24 Is there a share button that can do that?
25 A. I believe there is. 03:41:28

HIGHLY CONFIDENTIAL

1 Q. Okay. Are there -- can a user react -- 03:41:30
2 record a reaction to a live stream?

3 A. Sorry.

4 Q. Yeah.

5 A. Record? 03:41:54

6 Q. Yeah. Sorry. That was bad.

7 I'm going to, for the purposes of the
8 next question, only use the word "like" to mean
9 like -- or any other reaction. Like, for an
10 example, like a smiley, emoji, that kind of thing. 03:42:14

11 Does that make sense? Do you understand
12 what I mean?

13 A. It makes sense. I know what you mean.

14 Q. Okay. So under that definition of
15 "like," can a user like a live stream? 03:42:24

16 A. Yes.

17 Q. Okay. What are all the ways in which a
18 user can share an uploaded video with another user?

19 A. Okay. Let me think about that for a
20 second. 03:42:57

21 MR. GOULD: Sure.

22 MR. SCHWING: It's vague. Incomplete
23 hypothetical.

24 If you know, you can answer.

25 THE DEPONENT: I -- I can think of a 03:43:11

HIGHLY CONFIDENTIAL

1 couple ways that a user can share an uploaded video 03:43:13

2 with another user.

3 In your question, who was the poster and

4 who was the consumer and --

5 Q. (By Mr. Gould) Sure. 03:43:33

6 A. -- who's the other user?

7 Q. Yeah.

8 Let's say the user who wants to share is

9 a consumer of that uploaded video and wants to

10 share that uploaded video with another consumer of 03:43:47

11 that uploaded video.

12 A. Okay. Sorry. Now you -- now you

13 confused me with -- with one more thing.

14 Q. Oh, I --

15 A. Can we -- can -- can you -- can you give 03:43:59

16 me the example -- how about this -- could you give

17 me the example question as a -- can you -- I

18 don't -- I didn't understand what you meant by

19 "consumer."

20 Q. Okay. Okay. Okay. 03:44:14

21 A. Sorry.

22 Q. Sure.

23 Of course. Let me give you -- then let

24 me give you like a concrete example.

25 A. Right. 03:44:23

HIGHLY CONFIDENTIAL

1 Q. I record a video of my -- my child and 03:44:24

2 upload it to Facebook.

3 A. Uh-huh.

4 Q. My mom then watches that video and wants

5 to share it with my aunt. 03:44:50

6 What are the ways in which my mom could

7 share that video with my aunt, supposing they're

8 both Facebook users?

9 A. I --

10 MR. SCHWING: It's an incomplete 03:45:05

11 hypothetical.

12 Go ahead.

13 THE DEPONENT: If I'm understanding your

14 question correctly -- and I'll repeat what I

15 heard -- you uploaded a video. A friend of yours 03:45:15

16 watched that video, and then that friend wants to

17 share that video with a friend of theirs; is that

18 correct?

19 Q. (By Mr. Gould) That's correct.

20 A. So in this case, your mom could click -- 03:45:33

21 could, say, click the share button. And your mom

22 could share it with, you know, the -- the name of

23 that person who is your aunt.

24 Q. Could my mom re-post that video to her --

25 to her own profile? 03:45:56

HIGHLY CONFIDENTIAL

1 MR. SCHWING: Vague. And incomplete 03:46:00

2 hypothetical.

3 THE DEPONENT: Did you mean that -- well,
4 how about this.

5 Did you mean that you've uploaded a 03:46:12
6 video. It's a post. It sells --

7 (Simultaneously speaking.)

8 Q. (By Mr. Gould) Sure.

9 A. Right. Exactly. I mean, post is many
10 different -- okay. It's a post. 03:46:24

11 So this post, it has -- there's a URL
12 associated with this post. And could your --
13 are -- are you saying, could your mom, with whom
14 you're friends in this scenario, post that link,
15 like post your post as her post. 03:46:41

16 Sorry for the...

17 Q. No, no, no.

18 Thank you.

19 Maybe a better way of saying it is this.

20 A. Okay. 03:46:57

21 Q. If a -- if -- if a friend of mine wants
22 to re-post a video I have posted to my profile to
23 his or her own profile --

24 A. Right.

25 Q. -- is there a functionality button or 03:47:15

HIGHLY CONFIDENTIAL

1 feature provided by Facebook that allows that to be 03:47:20

2 done with a -- with a single click?

3 MR. SCHWING: Vague. Incomplete

4 hypothetical.

5 THE DEPONENT: I -- I -- I can't speak to 03:47:36

6 how many clicks, but you can share -- you can share

7 a video post. You can post, you know, to -- to

8 your friends another video post, someone else's

9 video post.

10 Q. (By Mr. Gould) Right. 03:48:01

11 A. Is that your question?

12 Q. That's my question.

13 A. Yeah.

14 Q. Could one of my friends share a video I

15 had posted via the Facebook Messenger app? 03:48:20

16 A. I want to say two things. I -- because I

17 think I understand your question.

18 You can -- you can share to Messenger.

19 You can, for example, copy the link and paste it

20 into Messenger. But I -- I want to make sure that 03:48:50

21 in this testimony I'm being really clear about what

22 the word "share" means.

23 Because in these few questions, I've

24 talked about sharing as like an outward activity.

25 But I want to make sure that nothing is lost in 03:49:06

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HIGHLY CONFIDENTIAL

1 translation regarding consumption because not 03:49:10
2 everything that is shared is viewable by the
3 recipient. So I want to be clear about what you
4 mean by "share."

5 Q. Sure. 03:49:26

6 A. And maybe we just should separate for
7 clarity the ability to share and then the ability
8 to view what was shared.

9 How's that?

10 Q. Sure. Absolutely. 03:49:35

11 If I upload a video, could -- as a post,
12 could a friend of mine share that post via
13 Facebook Messenger?

14 A. Yes.

15 Q. And suppose now that my friend shares 03:49:57
16 that video with a third user who is a mutual
17 friend. Got that?

18 So in other words, a friend both of the
19 sharer and of the poster.

20 A. So far -- so far so good. 03:50:21

21 Q. Could the third user then watch the video
22 if it was shared with him via the
23 Facebook Messenger?

24 MR. SCHWING: Vague. Incomplete
25 hypothetical. 03:50:46

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HIGHLY CONFIDENTIAL

1 THE DEPONENT: Unfortunately -- so I 03:50:51
2 almost caught -- I -- I'm so sorry.
3 Q. (By Mr. Gould) No, that's fine.
4 A. Try, in this scenario -- because there
5 are a lot of users and there are a lot of friends. 03:50:59
6 Q. Yeah.
7 A. But go ahead, please, one more time on
8 who these hypotheticals are and like who's friends
9 with whom, one more time.
10 Q. Sure. 03:51:13
11 A. Okay.
12 Q. Sure.
13 So the first user uploads a video as a
14 post. That user is friends with a second user.
15 The second user is friends with a third user. 03:51:37
16 A. Okay.
17 Q. That third user is also friends with the
18 first user.
19 Follow me thus far?
20 A. So Mr. Gould -- 03:51:48
21 Q. Yeah.
22 A. Every- -- everybody is friends.
23 Q. Everybody is friends --
24 A. Right.
25 Q. -- in this hypothetical. 03:51:53

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25	A. -- it all depends on those privacy	03:52:58
----	---------------------------------------	----------

1 settings. 03:53:00

2 Q. Right.

3 There are privacy settings under which it

4 is possible for that third user to watch the video

5 under the scenario I just gave, though, correct? 03:53:14

6 MR. SCHWING: Same objections.

7 THE DEPONENT: Based on my understanding,

8 Mr. Gould, if the right privacy settings are,

9 then -- then, yes --

10 Q. (By Mr. Gould) Okay. 03:53:33

11 A. -- it's possible.

12 Q. Can -- sorry. Let me step back.

13 Are Facebook stories created by users

14 themselves?

15 A. As -- sorry. As opposed to what? 03:53:58

16 Q. Yeah.

17 As opposed to like being, say,

18 automatically created by -- for them by algorithm

19 or something.

20 A. Oh. A user can create a Facebook 03:54:11

21 story -- let me make sure I understand what you

22 mean by --

23 Q. Yeah. Sorry.

24 A. What's your -- how are you defining

25 Facebook story? 03:54:32

HIGHLY CONFIDENTIAL

1 Q. Well, how -- how -- I don't mean to be 03:54:32
2 difficult, but how would you define a Facebook
3 story?

4 A. Here's how I would define a Facebook
5 story. Maybe it's what you were mentioning. 03:54:41

6 When you open up newsfeed at the top of
7 newsfeed, sometimes there's a horizontal tray -- it
8 actually says stories.

9 I only say this because the word "story"
10 can be used in different capacities, but -- are you 03:54:58
11 referring to the -- the horizontal tray content at
12 the top of -- okay.

13 Q. Correct.

14 A. And -- I'm not aware of any automatic --

15 Q. Okay. 03:55:19

16 A. Okay.

17 Q. Great.

18 So can a user include in a Facebook story
19 a uploaded video or a live stream from one of his
20 or her friends? 03:55:47

21 MR. SCHWING: It's outside the scope.
22 Incomplete hypothetical.

23 You can answer.

24 THE DEPONENT: Mr. Gould, are you asking
25 if a user creates a story, can they embed in that 03:56:10

HIGHLY CONFIDENTIAL

1 story somebody else's post? 03:56:17

2 Q. (By Mr. Gould) Yes. Precisely.

3 A. Yeah. On the production -- I -- I
4 wouldn't know, just based on what we talked about
5 in the production side. 03:56:26

6 Q. Okay. Can a member of a group re-post
7 somebody else's post on a group page?

8 A. To where?

9 Q. So Facebook groups have Facebook pages
10 that are devoted to that group, correct? 03:57:04

11 A. More -- more or less. I -- I understand
12 what you mean.

13 Q. Okay. How -- how would you -- is it --
14 sorry. Go ahead.

15 A. No, no. You go. 03:57:17

16 Q. Okay. If I spoke of the page for a
17 Facebook group, would you know what I was talking
18 about?

19 A. I would call it the group itself.

20 Q. Okay. Great. 03:57:38

21 Okay. Then that's the term we'll use.

22 A. Sure.

23 Q. Can the member of a group re-post
24 somebody else's post to a Facebook group?

25 A. Yes. 03:57:58

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HIGHLY CONFIDENTIAL

1 MR. SCHWING: Incomplete -- incomplete 03:57:58

2 hypothetical.

3 Q. (By Mr. Gould) Can -- what sort of
4 entities are able to create a Facebook page?

5 A. So -- 03:58:19

6 Q. You know what, Mr. Miller, I'm sorry. I
7 don't mean to interrupt you. I -- I hope this will
8 make it easier.

9 A. Okay.

10 Q. A wide variety of entities can create 03:58:25
11 Facebook pages; is that fair to say?

12 A. Yes.

13 Q. Okay. So like nonprofit organizations
14 can create Facebook pages, correct?

15 A. Correct. 03:58:41

16 Q. Law firms can create Facebook pages,
17 correct?

18 A. Correct.

19 Q. Companies -- for-profit companies can
20 create Facebook pages, correct? 03:58:53

21 A. Correct.

22 Q. Okay. Can municipalities create Facebook
23 pages?

24 A. So --

25 MR. SCHWING: Outside the scope. 03:59:07

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HIGHLY CONFIDENTIAL

1 THE DEPONENT: So I -- I -- I don't want 03:59:09

2 to speculate --

3 Q. (By Mr. Gould) Okay.

4 A. -- Mr. Gould and -- yeah.

5 Q. Okay. 03:59:14

6 A. Yeah.

7 Q. Fair enough. Fair enough.

8 So speaking then of the page -- a

9 Facebook page that's been created by an entity --

10 A. Got it. 03:59:32

11 Q. -- can an entity re-post on its page a

12 post originally posted to Facebook by somebody

13 else?

14 MR. SCHWING: It's outside the scope of

15 the deposition. To the extent it implicates 03:59:54

16 privacy or apps settings, it's an incomplete

17 hypothetical and vague.

18 Q. (By Mr. Gould) Let me restate.

19 If the correct privacy settings have been

20 selected, can a page re-post a post that was 04:00:17

21 originally posted to the Facebook Platform by

22 somebody else?

23 MR. SCHWING: It's vague.

24 THE DEPONENT: Can -- to -- I want to be

25 helpful. 04:00:38

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HIGHLY CONFIDENTIAL

1 Q. (By Mr. Gould) Yeah. 04:00:38

2 A. So within the video topic for which I
3 prepared, can you give me a hypothetical?

4 Q. Sure. Yeah. Sorry.

5 I'm just trying to -- I thought maybe 04:00:51
6 talking about posts would be easier, but clearly
7 not.

8 I'm talking -- let -- would it be easier
9 just to talk specifically about a video that has
10 been posted to Facebook? 04:01:05

11 Let's talk about that. Okay?

12 Does that make sense to you? Would you
13 know what I'm talking about if I talked about a
14 video posted to Facebook?

15 A. Yeah. 04:01:15

16 MR. SCHWING: It calls for speculation as
17 to what you would think.

18 Q. (By Mr. Gould) Okay. Can -- if the
19 correct privacy settings are in place, can a page
20 re-post a video that had originally been posted -- 04:01:27
21 posted to the Facebook Platform by another user or
22 another page?

23 MR. SCHWING: It's an incomplete
24 hypothetical. It's vague.

25 THE DEPONENT: Can -- 04:01:53

HIGHLY CONFIDENTIAL

1 MR. SCHWING: Outside of the scope of the 04:01:53
2 deposition, to the extent it implicates privacy or
3 app settings.

4 THE DEPONENT: All right. Mr. --
5 Mr. Gould, can you give me your hypothetical using 04:02:04
6 a video --

7 Q. (By Mr. Gould) Oh, okay. You want --
8 you want a concrete example -- oh, sorry.

9 Go ahead.

10 A. Sorry. Can you -- because I'm prepared 04:02:13
11 to speak about how users -- how the platform has
12 allowed users to see video.

13 Q. Yeah.

14 A. With respect to how I prepared, can you
15 please give me the hypothetical using video and 04:02:26
16 using it in chronological order -- using the
17 scenario in chronological order.

18 Q. Sure.

19 On Thursday, a Facebook user posts a
20 video to the Facebook Platform. 04:02:51

21 A. Okay.

22 Q. On Friday, a page wants to re-post that
23 video to its own page.

24 Assuming the correct privacy settings are
25 in place, can that page re-post that video? 04:03:10

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HIGHLY CONFIDENTIAL

1 MR. SCHWING: It's vague as to correct 04:03:20
2 privacy settings.

3 THE DEPONENT: Let me -- let me -- let me
4 try to repeat what I heard.

5 On day one, a user posts a video -- 04:03:33
6 let -- how about this, on day one, a user posts a
7 video to the Facebook Platform and marks it as
8 public.

9 Q. (By Mr. Gould) Yes. Great.

10 A. That part's good? 04:03:50

11 Q. Sure. Fabulous.

12 A. On day -- somehow, because it's public, a
13 page -- well, it's actually -- it's a person,
14 because pages are operated by people. But there's
15 a person who found -- who saw that public post. 04:04:05

16 So far so good?

17 Q. Sure.

18 A. Now, that person also operates a page and
19 they -- they want to -- you know, for example, take
20 the link of that public post, paste it into their 04:04:21
21 page's post, and can they post that?

22 The answer is --

23 Q. That's the question.

24 A. And the answer is yes.

25 Q. Okay. 04:04:33

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1	A. If everything is public, the answer is	04:04:35
2	yes.	

4 MR. SCHWING: Can we take a short break?

6 MR. GOULD: Sure.

8 MR. GOULD: We're nearing completion.

10	the record.	04:04:49
----	-------------	----------

12 parties went off the record at 4:05 p.m.)

14 THE VIDEOGRAPHER: We're back on the

16 Q. (By Mr. Gould) I ask this question

18 Are you prepared today to testify about

20	content creators who want to make their content	04:15:58
----	---	----------

22 MR. SCHWING: The question is vague.

24 this topic on how the platform makes video

HIGHLY CONFIDENTIAL

1 that said, I'm not prepared to talk about how 04:16:22
2 Facebook helps the production of the video.

3 Q. (By Mr. Gould) How about whether
4 Facebook provides like technical assistance in
5 uploading or otherwise making videos available, are 04:16:41
6 you prepared to testify about whether Facebook
7 offers that kind of assistance to video content
8 creators who want to make their content available
9 on the Facebook Platform?

10 A. I -- I wouldn't be the right person for 04:17:05
11 that and it's not part of my topic.

12 Q. Okay. Great. So then I won't ask you
13 about it.

14 I want to go back briefly, I hope, to the
15 improvements in ranking that we were talking about 04:17:22
16 relative to the newsfeed.

17 Do you remember we were talking about
18 that?

19 A. I remember.

20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]

25 A. I didn't -- 04:18:20

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[illegible]

[illegible]

[illegible]

HIGHLY CONFIDENTIAL

5 Q. Okay. Excluding any lawyers, who did you 04:25:03
6 speak to as part of your preparation for today's
7 deposition?

8 A. I spoke to Ramya Seetharaman. I spoke to
9 Saurabh Gupta. I spoke to Anjana Dasu. I spoke to
10 Hari Jayaraman. I spoke to Akos Lada. I spoke to 04:25:59
11 Karsten Hansen.

12 And I don't remember how many people I
13 read off.

14 Q. That's fine.

15 A. Oh, I'm sorry. 04:26:33

16 Q. No. You were going to mention -- did
17 you --

18 (Simultaneously speaking.)

19 THE DEPONENT: Karan Singh.

20 Q. (By Mr. Gould) -- you were going to 04:26:37
21 mention somebody else --

22 A. Karan Singh.

23 Yeah, Karan -- Karan Singh.

24 Q. Are the people you just mentioned in
25 different divisions or groups within the Facebook 04:26:52

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HIGHLY CONFIDENTIAL

1 company? 04:26:55

2 A. Yes.

3 Q. Okay. Go through, if you wouldn't mind,
4 and list the groups or divisions in which all those
5 people work. 04:27:14

6 A. Okay.

7 MR. SCHWING: Ben, could I make a
8 friendly suggestion?

9 I don't know if you have the
10 transcript -- the Live Note up, or whatever. But 04:27:19
11 maybe you could just give him the names or
12 something. I don't -- just -- it may make it
13 easier.

14 MR. GOULD: Okay. A lot of them are --
15 are not really spelled in the -- 04:27:28

16 MR. SCHWING: No.

17 MR. GOULD: -- in the real time.

18 MR. SCHWING: Maybe you could just
19 broadly --

20 MR. GOULD: Yeah. Right. I'm not -- 04:27:42

21 (Simultaneously speaking.)

22 MR. SCHWING: I don't mean -- I don't
23 mean to interfere. I'll -- I'll hand you the reins
24 back. I'm just trying to think about how do we --

25 MR. GOULD: No, no, totally, Austin. I 04:27:46

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1 appreciate that. 04:27:48

2 Q. (By Mr. Gould) Here's what -- here's
3 what I'd like you to do, Mr. Miller.

4 I don't want you to match up names --

5 A. Okay. 04:27:55

6 Q. -- with groups or divisions. I just want
7 you to list the divisions in which those people
8 work.

9 A. Yeah.

10 So for example, Ramya is in -- was in -- 04:28:06
11 sorry -- was in, say, newsfeed. Now is in
12 integrity.

13 Saurabh is in video ranking. Anjana is
14 in video.

15 I'm just trying to list all the areas. I 04:28:37
16 mentioned integrity. I mentioned newsfeed. I'm
17 just going through some of the names.

18 Q. Sure. Take your time.

19 A. Newsfeed video ranking, you know, is --
20 is slightly different than video ranking. I -- I 04:29:02
21 think -- I mean, unless I see the names again, I
22 think that that's exhaustive.

23 Q. Okay. That's fine.

24 Do you know approximately how many

25 Facebook employees work on video ranking? 04:29:23

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HIGHLY CONFIDENTIAL

1 A. A couple things, only because I -- I 04:29:38
2 would be ballparking it only because -- as part of
3 what I prepared for today.

4 How video is shown to its users, I -- I
5 didn't -- I didn't count like org charts and 04:30:02
6 things.

7 Q. Fair enough.

8 Fair to say, though, that there is a
9 group or division within Facebook that has the name
10 video ranking? 04:30:12

11 A. That's fair.

12 Q. Okay. You listed, I believe, a group or
13 division that you gave the name video to, like full
14 stop?

15 A. Yeah. 04:30:30

16 Q. And I take it you're not prepared to
17 testify today about how many employees are in that
18 division or group?

19 A. (Deponent shakes head.)

20 Q. Okay. Fair enough. 04:30:46

21 Are you prepared to testify today about
22 the responsibilities or tasks assigned to that
23 division or group?

24 MR. SCHWING: It's outside the scope.

25 THE DEPONENT: I didn't prepare for it 04:31:03

HIGHLY CONFIDENTIAL

1 only because of the scope of -- of 9c. 04:31:04

2 Q. (By Mr. Gould) Okay. Okay. Fair
3 enough.

4 A. Yeah.

5 Q. It sounds to me, though, like from your 04:31:12
6 testimony, that at least there is a division or
7 group within Facebook that -- that is commonly
8 referred to as video, correct?

9 A. There -- video is now -- that might not
10 be the right like -- that might be a broad word, 04:31:46
11 but I think it has -- it -- there's a loose
12 meaning, and so that's why I want to be really
13 careful about --

14 Q. Yeah.

15 A. I want to be like accurate about how I 04:32:00
16 answer your question, but -- so one more time?

17 Q. Let me put my question this way.

18 A. Yeah.

19 Q. Is it fair to say that whatever the
20 official name of the group or division, there is a 04:32:16
21 group or division within Facebook that is commonly
22 referred to by Facebook employees as video?

23 A. Yes.

24 Q. Okay. You also, I believe, listed a
25 group or division that you gave the name newsfeed 04:32:45

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HIGHLY CONFIDENTIAL

1 video ranking to, correct? 04:32:48

2 A. Correct.

3 Q. Okay. And you're not prepared to testify

4 today about how many employees are in that group or

5 division, correct? 04:32:59

6 MR. SCHWING: Outside the scope.

7 THE DEPONENT: And -- and I would have no

8 clue.

9 Q. (By Mr. Gould) Okay. And any of the

10 groups or divisions we've talked about, do you know 04:33:08

11 how long they've been around?

12 MR. SCHWING: It's outside the scope.

13 THE DEPONENT: I'm -- I'm trying to --

14 I'm seriously trying to be helpful, but --

15 Q. (By Mr. Gould) Yeah. Yeah. Yeah. I 04:33:26

16 get it.

17 A. I mean, based on when I joined and based

18 on how I prepared, I -- I didn't look into org

19 history.

20 Q. Okay. Fair to say, though, that there is 04:33:35

21 a group or division within Facebook that is

22 commonly referred to by Facebook employees as

23 newsfeed video ranking?

24 A. No.

25 Q. Okay. Fair enough. 04:34:04

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HIGHLY CONFIDENTIAL

1 A. It would -- it would be called -- sorry. 04:34:05

2 No.

3 Q. What would it be called?

4 A. So when I said -- for example, the person

5 I talked to in -- Karan Singh, I would just say 04:34:17

6 newsfeed ranking, period.

7 Q. Okay. Okay.

8 A. Yeah.

9 Q. Is there a group -- well, never mind.

10 Okay. What documents did you review in 04:34:52

11 preparation for today's deposition?

12 A. I -- let me think about this for a second

13 because I reviewed a lot of documents.

14 Q. Yeah. Take your time.

15 A. I -- I read over all the documents that 04:35:08

16 were sent over a few days ago, 20-ish, whatever.

17 I read over the notice and the complaint.

18 I also read over documents that talked

19 about some of these product changes to how the

20 platform showed video to users over time. 04:35:31

21 MR. GOULD: Okay. I think that does it

22 for me today, unless Mr. Schwing has redirect that

23 raises further questions on my part.

24 MR. SCHWING: I just have a few

25 questions. 04:35:54

HIGHLY CONFIDENTIAL

1 EXAMINATION 04:35:56

2 BY MR. SCHWING:

3 Q. Mr. Miller, is this a good time to go

4 over a couple questions?

5 A. Sure. 04:36:02

6 Q. Okay. I'll be brief.

7 You were asked some questions and gave

8 some testimony about when users could share videos

9 or posts with video with others.

10 Do you remember that? 04:36:18

11 A. I remember.

12 Q. Okay. And is it your understanding that

13 someone can try to share a video or post with a

14 video, but whether another user can actually get

15 access and see that post or video would depend on 04:36:32

16 the original poster's privacy settings?

17 A. That's -- I'm so sorry. It's late in the

18 day. I'm so sorry for you to have to repeat the

19 question --

20 Q. No problem. 04:36:48

21 A. -- but...

22 Q. Is it your understanding that whether

23 or -- let me start over.

24 A. Yeah. I apologize.

25 Q. It's -- it's late in the day for me, too. 04:36:58

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HIGHLY CONFIDENTIAL

1 Is it your understanding that somebody 04:37:01
2 could try to share a video or post with a video in
3 it with another user, but whether that user could
4 actually see the video or the post with the video
5 would depend on the privacy settings that had been 04:37:22
6 set with respect to that content?

7 A. That's correct.

8 Can -- am I allowed to say anything more
9 on that or -- or --

10 Q. I don't -- I don't think you need to. 04:37:36

11 A. Okay.

12 Q. I think if it's correct, that's fine.

13 A. Great.

14 MR. SCHWING: All right. I don't -- I
15 don't have anything else. 04:37:44

16 MR. GOULD: Okay. Nothing further from
17 me.

18 MR. SCHWING: Thanks so much, Mr. Miller.
19 Maybe you could just go to the breakout room, just
20 so I can thank you and say goodbye to you and 04:37:55
21 hopefully won't --

22 THE DEPONENT: Okay.

23 MR. GOULD: Mr. Miller, thank you. I
24 really appreciate it. And I appreciate --

25 SPECIAL MASTER GARRIE: Congratulations. 04:38:02

HIGHLY CONFIDENTIAL

1 MR. GOULD: -- your conscientious 04:38:02

2 efforts.

3 THE VIDEOGRAPHER: We're off the record.

4 It's 4:38 p.m.

5 (Recess taken.) 04:38:26

6 THE VIDEOGRAPHER: Back on the record.

7 It's 4:38 p.m.

8 MR. SCHWING: Okay. We -- I just wanted

9 to come back on the record to indicate that the

10 transcript should be treated as "Highly 04:39:02

11 Confidential."

12 The witness will receive the transcript

13 and will review it to make any corrections, will do

14 that within 45 days of receipt of the -- the

15 transcript. 04:39:15

16 MR. GOULD: And that does it, I think.

17 THE VIDEOGRAPHER: That does it. Okay.

18 Off the record. It's 4:39 p.m.

19 (TIME NOTED: 4:39 p.m.)

20 04:39:28

21

22 ---o0o---

23

24

25

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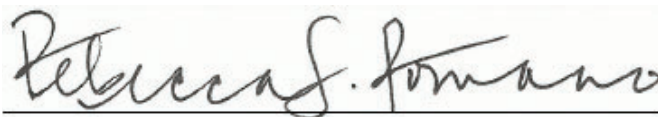
1 I, Rebecca L. Romano, a Registered
2 Professional Reporter, Certified Shorthand
3 Reporter, Certified Court Reporter, do hereby
4 certify:

5 That the foregoing proceedings were taken
6 before me remotely at the time and place herein set
7 forth; that any deponents in the foregoing
8 proceedings, prior to testifying, were administered
9 an oath; that a record of the proceedings was made
10 by me using machine shorthand which was thereafter
11 transcribed under my direction; that the foregoing
12 transcript is true record of the testimony given.

13 Further, that if the foregoing pertains to the
14 original transcript of a deposition in a Federal
15 Case, before completion of the proceedings, review
16 of the transcript [X] was [] was not requested.

17 I further certify I am neither financially
18 interested in the action nor a relative or employee
19 of any attorney or any party to this action.

20 IN WITNESS WHEREOF, I have this date
21 subscribed my name this 27th day of July, 2022.

22
23 

24 Rebecca L. Romano, RPR, CCR

25 CSR. No 12546

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RE: FACEBOOK, INC., CONSUMER USER PROFILE LITIGATION
DAVID MILLER (JOB NO. 5300521)

E R R A T A S H E E T

PAGE 17 LINE 14 CHANGE "would go to" to "would --
could go to"

REASON Mistranscription

PAGE 19 LINE 14 CHANGE "I don't" to "I don't remember
when it was launched"

REASON Mistranscription

PAGE 25 LINE 12 CHANGE "if -- video" to "if -- the profile
owner had posted a video"

REASON Mistranscription

PAGE 26 LINE 18 CHANGE "video on 2016" to "video
around 2016"

REASON Mistranscription

PAGE 30 LINE 12 CHANGE "or let's" to "well let's"

REASON Mistranscription

PAGE 30 LINE 15 CHANGE "across all -- across all the"
to "across all the -- across all the"

REASON Transcription Error

DAVID MILLER

Date

HIGHLY CONFIDENTIAL

RE: FACEBOOK, INC., CONSUMER USER PROFILE LITIGATION
DAVID MILLER (JOB NO. 5300521)

E R R A T A S H E E T

PAGE 34 LINE 23 CHANGE [REDACTED]
[REDACTED]

REASON Mistranscription
PAGE 45 LINE 14 CHANGE "number of services" to
"number of surfaces"

REASON Mistranscription
PAGE 46 LINE 3 CHANGE "services" to "surfaces"

REASON Mistranscription
PAGE 49 LINE 19-20 CHANGE [REDACTED]
[REDACTED]

REASON Mistranscription
PAGE 56 LINE 10 CHANGE "A. Yes." to "A. Yeah."

REASON Mistranscription
PAGE 57 LINE 17 CHANGE "typically" to "typical"

REASON Mistranscription

DAVID MILLER

Date

HIGHLY CONFIDENTIAL

RE: FACEBOOK, INC., CONSUMER USER PROFILE LITIGATION
DAVID MILLER (JOB NO. 5300521)

E R R A T A S H E E T

PAGE 62 LINE 5 CHANGE "live stream video" to "live
streamed video"

REASON Mistranscription

PAGE 62 LINE 7-8 CHANGE "like Benjamin Gould was
live." to "like, "Benjamin Gould was live.""

REASON Mistranscription

PAGE 65 LINE 11 CHANGE "Use a little" to "I could use
a little"

REASON Mistranscription

PAGE 76 LINE 4 CHANGE [REDACTED]

REASON Misspoke

PAGE 89 LINE 8 CHANGE [REDACTED]

REASON Mistranscription

PAGE 99 LINE 6 CHANGE "It sells" to "It's also"

REASON Mistranscription

DAVID MILLER

Date

HIGHLY CONFIDENTIAL

RE: FACEBOOK, INC., CONSUMER USER PROFILE LITIGATION
DAVID MILLER (JOB NO. 5300521)

E R R A T A S H E E T

PAGE 101 LINE 6 CHANGE "we just should" to "we
should just"

REASON Mistranscription

PAGE 105 LINE 11 CHANGE "horizontal tray content" to
"horizontal tray of content"

REASON Mistranscription

PAGE 106 LINE 15 CHANGE "No, no. You go." to "No,
you go."

REASON Mistranscription

PAGE 117 LINE 21 CHANGE [REDACTED]

REASON Mistranscription

PAGE 118 LINE 8 CHANGE "Ramya Seetharaman" to
"Ramya Sethuraman"

REASON Mistranscription

PAGE 118 LINE 11 CHANGE "Karsten Hansen" to
"Carsten Hansen"

REASON Mistranscription

DAVID MILLER

Date

HIGHLY CONFIDENTIAL

RE: FACEBOOK, INC., CONSUMER USER PROFILE LITIGATION
DAVID MILLER (JOB NO. 5300521)

E R R A T A S H E E T

PAGE 121 LINE 3 CHANGE "what I prepared for today."
to "what I prepared for today --"

REASON Mistranscription

PAGE 121 LINE 4 CHANGE "How video" to "how video"
Mistranscription

REASON _____

PAGE _____ LINE _____ CHANGE _____

REASON _____

PAGE _____ LINE _____ CHANGE _____

REASON _____

PAGE _____ LINE _____ CHANGE _____

REASON _____

PAGE _____ LINE _____ CHANGE _____

REASON _____

 9/9/2022

DAVID MILLER

Date

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[& - access]

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[access - associate]

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[associated - called]

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[called - company]

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[compare - court]

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[video - yeah]

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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